

Sally Jewell
June 02, 2022

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DISTRICT

Civil No. 1:19-cv-00150-DMT-ARS

VIDEOTAPE DEPOSITION OF: SALLY JEWELL - June 2, 2022
(Via RemoteDepo)

STATE OF NORTH DAKOTA,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

PURSUANT TO NOTICE, the videotape deposition of SALLY JEWELL was taken on behalf of the Plaintiff in Seattle, Washington, via remote means, on June 2, 2022, at 8:29 a.m., Mountain Time, before Tiffany D. Goulding, Registered Professional Reporter and Notary Public within Colorado, appearing remotely from Arapahoe County, Colorado.

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4	Greenberg Traurig, LLP	4	Exhibit 494 E-mail to SRJ2@ios.doi.gov from U.S. Department of Interior, 9/9/16, Subject: Joint Statement from the Department of Justice, The Department of the Army and the Department of the Interior regarding Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers 170
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6	Denver, Colorado 80202	6	
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<p style="text-align: right;">Page 6</p> <p>1 WHEREUPON, the following proceedings</p> <p>2 were taken pursuant to the Federal Rules of Civil</p> <p>3 Procedure.</p> <p>4 * * * * *</p> <p>5 THE VIDEOGRAPHER: We are now on the</p> <p>6 record. Participants should be aware that this</p> <p>7 proceeding is being recorded, and as such all</p> <p>8 conversations held will be recorded unless there is a</p> <p>9 request and agreement to go off the record. Private</p> <p>10 conversations and/or attorney-client interactions</p> <p>11 should be held outside the presence of the remote</p> <p>12 interface.</p> <p>13 For the purpose of creating a</p> <p>14 witness-only video recording, the witness is being</p> <p>15 spotlighted or locked on all video screens while in</p> <p>16 speaker view. We ask that the witness not remove the</p> <p>17 spotlight setting during the deposition, as it may</p> <p>18 cause other participants to appear on the final video</p> <p>19 rather than just the witness. For anyone who doesn't</p> <p>20 want the witness's video to take up the large part of</p> <p>21 your screen, you may click the gallery view button in</p> <p>22 the upper right-hand corner of the remote depo</p> <p>23 interface.</p> <p>24 This is the remote video-recorded</p> <p>25 deposition of Sally Jewell being taken by counsel for</p>	<p style="text-align: right;">Page 8</p> <p>1 the plaintiff, State of North Dakota, and I consent.</p> <p>2 MS. STEINER: This is Logan Steiner for</p> <p>3 the United States defendant, and I consent.</p> <p>4 THE REPORTER: Ms. Jewell, I will also</p> <p>5 ask you to agree and declare that the testimony you</p> <p>6 are about to give will be under the penalty of</p> <p>7 perjury.</p> <p>8 THE DEPONENT: Yes. I consent. My name</p> <p>9 is Sally Jewell and I agree that this will be under</p> <p>10 oath for my testimony. Thank you.</p> <p>11 SALLY JEWELL,</p> <p>12 having verbally declared that her testimony in this</p> <p>13 matter is under penalty of perjury, testified as</p> <p>14 follows:</p> <p>15 EXAMINATION</p> <p>16 BY MR. SEBY:</p> <p>17 Q. All right. Good morning, Ms. Jewell. My</p> <p>18 name is Paul Seby and I'm counsel for -- I'm an</p> <p>19 attorney with the law firm of Greenberg Traurig, and</p> <p>20 I'm also a special assistant attorney general for the</p> <p>21 State of North Dakota. And I represent the State of</p> <p>22 North Dakota today. And I will refer to the state as</p> <p>23 "North Dakota" or "the state."</p> <p>24 And this deposition, Ms. Jewell, is taken</p> <p>25 pursuant to prior notice and agreement of counsel.</p>
<p style="text-align: right;">Page 7</p> <p>1 the plaintiff. Today is Thursday, June 2, 2022. The</p> <p>2 time is now 2:29 p.m. UTC, 8:29 a.m. Mountain. We are</p> <p>3 here in the matter of State of North Dakota versus the</p> <p>4 United States of America.</p> <p>5 My name is Dustin Lamb, remote video</p> <p>6 technician on behalf of U.S. Legal Support. I am not</p> <p>7 related to any party in this objection nor am I</p> <p>8 financially interested in the outcome. At this time</p> <p>9 will the reporter, Tiffany Goulding, on behalf of U.S.</p> <p>10 Legal Support please enter the statement for remote</p> <p>11 proceedings into the record.</p> <p>12 THE REPORTER: The attorneys</p> <p>13 participating in this deposition acknowledge that I am</p> <p>14 not physically present in the deposition room and that</p> <p>15 I will be reporting this deposition remotely. They</p> <p>16 further acknowledge that, in lieu of an oath</p> <p>17 administered in person, the witness will verbally</p> <p>18 declare her testimony in this matter is under penalty</p> <p>19 of perjury. The parties and their counsel consent to</p> <p>20 this arrangement and waive any objection to this</p> <p>21 manner of reporting.</p> <p>22 Please indicate your agreement by stating</p> <p>23 your name and your agreement on the record. Mr. Seby</p> <p>24 first.</p> <p>25 MR. SEBY: Sure. This is Paul Seby for</p>	<p style="text-align: right;">Page 9</p> <p>1 And you understand that you've been sworn in this</p> <p>2 morning, ma'am?</p> <p>3 A. I do.</p> <p>4 Q. Please state your full name for the</p> <p>5 record.</p> <p>6 A. My legal name is Sarah, S-a-r-a-h,</p> <p>7 Margaret Roffey, R-o-f-f-e-y, Jewell, J-e-w-e-l-l. I</p> <p>8 go by Sally Jewell.</p> <p>9 Q. Thank you. Before we begin, I'd like to</p> <p>10 go over a few ground rules for the deposition, most of</p> <p>11 which are intended to help the court reporter take</p> <p>12 down everything we say. Okay?</p> <p>13 A. Fine.</p> <p>14 Q. Everything we say is being written down</p> <p>15 and videotaped, and because of that I would ask that</p> <p>16 you please verbalize your responses with a yes or no</p> <p>17 or other answer as opposed to a physical gesture or</p> <p>18 the like. Also, please no "huh-uh" or "uh-huh," if</p> <p>19 that's acceptable.</p> <p>20 A. That's acceptable. Thank you.</p> <p>21 Q. Likewise, it's difficult for the court</p> <p>22 reporter to take down what we are saying if we</p> <p>23 inadvertently talk over one another. So I will do my</p> <p>24 best to not interrupt you, and if you would do the</p> <p>25 same, that would be great. And let me finish a</p>

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<p style="text-align: right;">Page 10</p> <p>1 question, if that's acceptable.</p> <p>2 A. That's acceptable.</p> <p>3 Q. Okay. And, ma'am, if you need a break</p> <p>4 this morning or when we get into the afternoon, just</p> <p>5 let me know. And the only consideration I'd ask is</p> <p>6 that if there's a question pending, please first</p> <p>7 complete your answer to the question, then we can take</p> <p>8 whatever break is needed. Otherwise, I suggest we</p> <p>9 take a short break every hour or so.</p> <p>10 If you happen to not understand a</p> <p>11 question that I ask, just let me know also and I'm</p> <p>12 happy to repeat it or rephrase it. And I'll do my</p> <p>13 best to clarify what I'm trying to ask you. If you</p> <p>14 answer a question I have asked, I'm going to assume</p> <p>15 that you have understood the question I'm asking. Is</p> <p>16 that understood?</p> <p>17 A. That's understood.</p> <p>18 Q. Is anyone in the room with you this</p> <p>19 morning?</p> <p>20 A. No.</p> <p>21 Q. And if you would, Ms. Jewell, turn off</p> <p>22 your electronic devices so you are not distracted</p> <p>23 during this deposition. And are you relying upon any</p> <p>24 documents in front of you this morning?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. I had an introductory meeting with</p> <p>2 counsel and I had two preparatory sessions where they</p> <p>3 helped me understand the documents that were being</p> <p>4 used and just an understanding of what to expect in</p> <p>5 this deposition.</p> <p>6 Q. And you had an introductory meeting with</p> <p>7 counsel. Which counsel did you meet with?</p> <p>8 A. Logan Steiner, Tony Irish, Bill Scarpato,</p> <p>9 and Adrienne DiCerbo. And they were not all at every</p> <p>10 meeting, but over the three meetings that we had, one</p> <p>11 or more of them were present for each of those</p> <p>12 meetings.</p> <p>13 Q. And when was your introductory session</p> <p>14 that you mentioned?</p> <p>15 A. I can consult my calendar, if you'd like.</p> <p>16 You want me to do that?</p> <p>17 Q. Sure.</p> <p>18 A. Well, I had -- hang on. I think it was</p> <p>19 Wednesday, May 11, was the introductory meeting.</p> <p>20 Q. Okay. And who was present with you for</p> <p>21 that introductory meeting?</p> <p>22 A. I'll go actually to the date of that</p> <p>23 meeting. Hang on one second. I recall it was Logan</p> <p>24 Steiner, Adrienne DiCerbo, and Tony Irish. I do not</p> <p>25 believe Bill Scarpato was on that first call.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Okay. And, ma'am, do you understand that</p> <p>2 you're obligated by oath to tell the truth today?</p> <p>3 A. I do.</p> <p>4 Q. Do you understand that your deposition</p> <p>5 today has the same force and effect as if you were in</p> <p>6 front of a judge or jury?</p> <p>7 A. I do.</p> <p>8 Q. Do you understand that portions of your</p> <p>9 videotaped deposition may be played to the court if</p> <p>10 this case were to go to trial?</p> <p>11 A. Yes, I understand.</p> <p>12 Q. Okay. And, ma'am, do you understand that</p> <p>13 if you fail to tell the truth today, that is</p> <p>14 considered perjury?</p> <p>15 A. Yes.</p> <p>16 Q. To that end, is there anything today</p> <p>17 preventing you from providing complete, accurate, and</p> <p>18 truthful testimony?</p> <p>19 A. No.</p> <p>20 Q. Okay. Ms. Jewell, do you have any</p> <p>21 questions about these instructions or this morning's</p> <p>22 deposition?</p> <p>23 A. No, I have no questions.</p> <p>24 Q. Okay. Ms. Jewell, what did you do to</p> <p>25 prepare for your deposition today?</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. I recognize Ms. Steiner's name, but I</p> <p>2 don't recognize the other two individuals. Who are</p> <p>3 they with?</p> <p>4 A. They are attorneys representing the</p> <p>5 Department of the Interior, and they are both on this</p> <p>6 call with their videos off.</p> <p>7 Q. Okay. Thank you. And how long was your</p> <p>8 meeting with the introductory session?</p> <p>9 A. Let's see. It was scheduled for two</p> <p>10 hours; and to my recollection, it went for that period</p> <p>11 of time.</p> <p>12 Q. Okay. And then you mentioned subsequent</p> <p>13 meetings?</p> <p>14 A. Yes. There was one on May 18.</p> <p>15 Q. How long did that last?</p> <p>16 A. Three hours.</p> <p>17 Q. And who was with you for that discussion?</p> <p>18 A. The same as the first call, plus Bill</p> <p>19 Scarpato.</p> <p>20 Q. Okay. And then did you have a third</p> <p>21 session?</p> <p>22 A. I did. It was on May 31.</p> <p>23 Q. And who was with you for that meeting?</p> <p>24 A. The same as the second meeting.</p> <p>25 Q. Okay. Thank you, ma'am. Did you talk to</p>

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<p style="text-align: right;">Page 14</p> <p>1 anyone else with respect to your preparations for this</p> <p>2 meeting besides that group of people?</p> <p>3 A. I did not.</p> <p>4 Q. Okay. Are you aware, Ms. Jewell, that</p> <p>5 North Dakota has taken the sworn depositions of</p> <p>6 several Corps individuals, individuals from the United</p> <p>7 States Army Corps of Engineers and the Department of</p> <p>8 the Army? And have you spoken with any of those</p> <p>9 individuals?</p> <p>10 A. I was made aware that there were others</p> <p>11 being deposed. I don't know what agencies and I have</p> <p>12 not spoken with any of them.</p> <p>13 Q. Okay. Thank you. Did you say you</p> <p>14 reviewed documents in preparation for your deposition</p> <p>15 today?</p> <p>16 A. Counsel -- yes. Counsel provided some</p> <p>17 documents that they expect to be introduced in this</p> <p>18 deposition today.</p> <p>19 Q. Okay. Which documents are those?</p> <p>20 A. There was -- there were various. I think</p> <p>21 maybe two letters from a sheriff in North Dakota and</p> <p>22 there was some e-mails. I believe there was another</p> <p>23 document, Department of the Interior document. That's</p> <p>24 about it. There weren't a lot.</p> <p>25 Q. What was the Department of Interior</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. (BY MR. SEBY) Ms. Jewell, are you going</p> <p>2 to follow the advice of your counsel?</p> <p>3 A. I am.</p> <p>4 Q. Did you review any deposition transcripts</p> <p>5 in preparation for today?</p> <p>6 A. No.</p> <p>7 Q. Did you do any research on your own about</p> <p>8 the issues in this case?</p> <p>9 A. I did not.</p> <p>10 Q. Did you refer back to any notes or</p> <p>11 e-mails or other records that you maintain?</p> <p>12 A. I did not.</p> <p>13 Q. So as was mentioned at the beginning,</p> <p>14 this deposition pertains to an action brought by the</p> <p>15 State of North Dakota in the United States District</p> <p>16 Court for the District of North Dakota. And it's an</p> <p>17 action under the Federal Tort Claims Act against the</p> <p>18 United States involving \$38 million in damages that</p> <p>19 the State of North Dakota seeks to recover as a result</p> <p>20 of the United States' actions associated with the</p> <p>21 protests against the Dakota Access Pipeline. Do you</p> <p>22 understand that, Ms. Jewell?</p> <p>23 A. I understand the broad topic as you've</p> <p>24 explained it. I have not read the specific complaint.</p> <p>25 Q. Okay. Have you read any papers filed in</p>
<p style="text-align: right;">Page 15</p> <p>1 document that you're referencing?</p> <p>2 A. I'm trying to remember.</p> <p>3 MS. STEINER: Objection. This calls for</p> <p>4 attorney-client-privilege information and I'm going to</p> <p>5 instruct the witness not to answer.</p> <p>6 Q. (BY MR. SEBY) Ms. Jewell, are you</p> <p>7 referring to a document prepared for you by your legal</p> <p>8 counsel?</p> <p>9 A. No.</p> <p>10 MR. SEBY: Okay. Ms. Steiner, I don't</p> <p>11 understand what the document is. If it's</p> <p>12 attorney-client privileged, I completely understand it</p> <p>13 and will turn away from that, but it's not been</p> <p>14 identified as such. So I don't know if that objection</p> <p>15 is even applicable.</p> <p>16 MS. STEINER: I am objecting that the</p> <p>17 documents that counsel chose to review with the</p> <p>18 witness, the choice of those documents is privileged</p> <p>19 information. And so I'm going to -- and attorney work</p> <p>20 product. So I'm going to instruct her not to discuss</p> <p>21 the substance of those documents reviewed.</p> <p>22 MR. SEBY: I'm asking what the document</p> <p>23 is. I'm not asking about the substance, because I</p> <p>24 don't know what it is.</p> <p>25 MS. STEINER: My objection stands.</p>	<p style="text-align: right;">Page 17</p> <p>1 connection with the case at all?</p> <p>2 A. The only paper I read was related to a</p> <p>3 request for my deposition.</p> <p>4 Q. The notice for your deposition?</p> <p>5 A. Correct.</p> <p>6 Q. All right. Are you aware otherwise that</p> <p>7 the United States District Court for the District of</p> <p>8 North Dakota denied a motion by the United States</p> <p>9 seeking to dismiss this case?</p> <p>10 A. No, I was not aware.</p> <p>11 Q. Are you aware that the United States</p> <p>12 District Court for the District of North Dakota denied</p> <p>13 a motion for partial summary judgment filed by the</p> <p>14 United States?</p> <p>15 A. No, I was not aware.</p> <p>16 Q. All right. Are you aware that the United</p> <p>17 States District Court for the District of North Dakota</p> <p>18 granted the state's motion to compel discovery against</p> <p>19 the United States beyond the Corps of Engineers?</p> <p>20 A. No. I was not aware of the legal</p> <p>21 proceedings leading up to this deposition.</p> <p>22 Q. Okay. Are you aware that yesterday a</p> <p>23 United States District Court judge magistrate denied a</p> <p>24 motion by the United States seeking to limit your</p> <p>25 deposition from seven hours to four hours?</p>

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1 A. I am aware of that. I would have
2 appreciated a shorter deposition given the things on
3 my plate.
4 Q. Yeah. And the Court didn't find merit in
5 that. So your deposition is allowed for up to seven
6 hours today, if that's understood.
7 A. That's understood.
8 Q. Yeah. Ms. Jewell, could you give me some
9 background about yourself. Where are you from, ma'am?
10 A. How far back would you like me to go,
11 sir?
12 Q. Where are you from? Where did you
13 originate? Where were you born?
14 A. I was born in London, England, in 1956.
15 My parents immigrated to the United States in 1959.
16 So I was a small child. We moved to Seattle,
17 Washington, and that is where I grew up. I attended
18 Renton High School, the University of Washington,
19 moved away to -- after earning my degree in mechanical
20 engineering to the oilfields of southern Oklahoma and
21 later Denver, Colorado, and then moved back to
22 Seattle, which is where I continued the bulk of my
23 career. So there you go.
24 Q. What did you do in the oil and gas
25 industry?

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1 A. I was a petroleum engineer in the
2 oilfield in southern Oklahoma and then what they
3 called a "special projects engineer" working on
4 planning, budgeting, acquisitions and dispositions of
5 oil and gas properties when I moved to Denver. And
6 that's the position that I was in when I chose to
7 leave the company to move back to Seattle.
8 Q. In your time in Denver you were employed
9 by a private company as well?
10 A. Yes. It was all with Mobil Oil
11 Corporation at that time. Later merged with Exxon,
12 but it was Mobil Oil at that time.
13 Q. Sure. And your position in Denver was
14 for how many years?
15 A. Total time with Mobil was three years,
16 one year as a field engineer -- I think field
17 production engineer. I said petroleum engineer. It
18 was field production engineer, I think, was the
19 technical title, and then two years as a special
20 projects engineer in Denver.
21 Q. And then you moved to Seattle after that,
22 you said?
23 A. That's correct.
24 Q. Did you stay within the oil and gas
25 industry or did you transition?

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1 A. I was hired by Rainier Bank to be an
2 expert in valuing collateral for energy loans. And so
3 I did practice engineering for the bank. I was an
4 assistant vice-president, slash, petroleum engineer.
5 I worked with companies around the United States that
6 were seeking loans and as well as with other banks
7 that were seeking participants in the loans they
8 originated to the energy sector broadly, but
9 particularly to oil and gas.
10 Q. Okay. And then how long did you have
11 that position with Rainier Bank?
12 A. The time I was there was -- I moved back
13 to Seattle in 1981, and that was a time of tremendous
14 growth in the oil and gas portfolio followed by a
15 rapid decline. So I was in that position and was
16 lauded not for making loans but for turning loans
17 down.
18 So after, I'd say, roughly a two-year
19 period -- two- to three-year period, I extended my
20 portfolio to banking in general, became a team leader
21 in the national banking group, so broadened beyond
22 doing more of the engineering work to doing pure
23 commercial banking. And then my career was as a
24 commercial banker until I left that profession in
25 2000.

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1 Q. And then what did you do?
2 A. I had been on the board of directors of
3 REI, Recreational Equipment, Incorporated, a retailer
4 of outdoor gear and apparel around the country. And I
5 was asked to join the organization as chief operating
6 officer, executive vice-president and chief operating
7 officer. So I joined REI as an employee in 2000 and
8 subsequently became its CEO in 2005.
9 Q. And then you had that position for how
10 long, Ms. Jewell?
11 A. I had that position until I left to join
12 the Obama administration as U.S. Secretary of the
13 Interior.
14 Q. And, Ms. Jewell, do you currently reside
15 in Seattle?
16 A. I do.
17 Q. How about your education from college
18 through completion?
19 A. I have a bachelor's degree in mechanical
20 engineering from the University of Washington earned
21 in 1978. That's the only degree that I hold post high
22 school graduation. It's the only degree I hold. I've
23 had multiple courses, you know, in business and
24 finance to help prepare me for my various jobs, but I
25 hold no other degrees other than a bachelor of science

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1 in mechanical engineering.

2 Q. And your --

3 A. There are honorary degrees that I've been

4 granted, of which there are four honorary doctorates,

5 but I'm not counting those.

6 Q. And then your government service,

7 Ms. Jewell, that was exclusively as United States

8 Secretary of the Interior?

9 A. That's correct.

10 Q. And would you please remind me the dates

11 of that service.

12 A. I was nominated in early February of

13 2013. I was confirmed by the U.S. Senate in mid-April

14 and then sworn in shortly thereafter. I want to say

15 the date was April 12 or 13 that I was sworn in. And

16 I served in that capacity until the end of President

17 Obama's term. So that would have ended with the

18 inauguration of President Trump in January of 2017. I

19 think it was the 20th or 21st of January of 2017.

20 Q. And what have you done since you left the

21 Department of Interior?

22 A. My husband and I left Washington, D.C.,

23 by car and took a three-month-long road trip to

24 decompress after a very intense four years in

25 Washington, D.C. When we returned to Seattle, I

Page 23

1 prepared to begin a fellowship with Harvard

2 University's Kennedy School of Government as a

3 resident fellow in the institute of politics, along

4 with five other resident fellows.

5 So in the fall of 2017, we moved to

6 Cambridge, Massachusetts, for three and a half months

7 or so, where I worked with students very closely,

8 hosted nine study groups along with the other resident

9 fellows. Would you like me just to continue the

10 entire period from then until now?

11 Q. If you would, that would be great just to

12 have you just walk us through that.

13 A. Sure. So I completed that in December of

14 2017. I then joined the University of Washington as a

15 distinguished fellow in its college of the

16 environment. Technically that began in March of 2018.

17 I continued in that role for -- until August of 2019,

18 but I had provided notice. And that was technically a

19 half-time role.

20 In the midst of that I joined -- I can't

21 remember exact timing on boards, but I joined two

22 corporate boards, Symetra Financial Corporation, which

23 is a life insurance company, and Green Diamond

24 Resources Company, which is a good-sized privately

25 owned timber company. Symetra is also privately

Page 24

1 owned. It's a wholly owned subsidiary of Sumitomo

2 Life in Japan, so two corporate boards at that point.

3 In June of 2019 -- I had been serving

4 voluntarily as a board member of the nature

5 conservancy. In June of 2019, because of a relatively

6 abrupt leadership transition, I volunteered to step

7 forward and lead the organization, if that was the

8 will of the board, which it was. So I took over as

9 interim chief executive officer of the nature

10 conservancy globally.

11 In mid-June of 2019 -- and I did that

12 part time until September in order to wind down my

13 other activities at the University of Washington to be

14 able to make space. So I worked in that role full

15 time until May of 2020, when we hired a permanent CEO.

16 I think it was in January of that year,

17 2020, I joined the Costco Wholesale Corporation board

18 of directors. And I still serve on that board, along

19 with Symetra and Green Diamond. Those are my

20 corporate boards. I also continue to serve on the

21 board of the nature conservancy, but stepped down as

22 interim CEO when the permanent CEO was hired in May of

23 2020.

24 Today I am in another position at the

25 University of Washington, which I've held since July

Page 25

1 of last year. It's an adjunct faculty position called

2 Fritzky Chair in Leadership. That role will end in

3 July of this year. I'll remain as adjunct faculty.

4 Both of those roles are not paid. They're voluntary.

5 Q. Okay. So you've had a full plate since

6 you left being the secretary?

7 A. Yes, I have.

8 Q. Does that complete your answer to the

9 question about post-government service?

10 A. Yes.

11 Q. Okay. Thank you. With respect to your

12 cabinet-level position with the Obama administration,

13 how did that position, Ms. Jewell, relate to the

14 Dakota Access Pipeline generally?

15 MS. STEINER: Objection; vague.

16 A. Would you like to make it more specific?

17 Q. (BY MR. SEBY) I can. As secretary of the

18 interior, how did your position in that capacity

19 relate to the development of and siting of the Dakota

20 Access Pipeline?

21 A. The role of the Department of the

22 Interior as it related to the Dakota Access Pipeline

23 was predominantly as a -- as the agency that is most

24 closely associated with upholding trust and treaty

25 obligations to Native American tribes, and in this

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1 case the Standing Rock Sioux Tribe.

2 We were notified by the tribe that they

3 felt that they had not been adequately consulted by

4 the pipeline company on the placement of the pipeline.

5 And they conveyed concerns through the Department of

6 the Interior that they felt that the pipeline had

7 impacts on the tribe that had not been adequately

8 considered by the pipeline company and they wanted to

9 rectify that.

10 So the role of the Department of the

11 Interior in these kinds of matters is the agency that

12 tribes often look to as their advocate within the

13 federal government to ensure that those obligations,

14 which are treaties between a sovereign nation, the

15 United States, and a sovereign nation in this case,

16 the Standing Rock Sioux Tribe, that we uphold the

17 treaty obligations we have with them.

18 So that was the primary role of the

19 Department of the Interior. It wasn't on the pipeline

20 location specifically. It was on the process followed

21 and whether the tribe was appropriately consulted.

22 Q. Okay. With respect to that capacity, how

23 did you personally as secretary of the interior

24 participate in that scope that you explained?

25 MS. STEINER: Objection; assumes facts.

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1 A. Would you like to restate that?

2 Q. (BY MR. SEBY) No. I think the question

3 is fairly straightforward. It's asking you, you, as

4 secretary of the interior, as per your explanation

5 with regard to the department's role, how did you

6 participate as secretary in the implementation of that

7 role?

8 A. I recall having a conversation with

9 Chairman Archambault of the Standing Rock Sioux Tribe

10 about his concerns that the pipeline route was

11 damaging sacred sites that were off the reservation,

12 but in their ancestral homelands. He also conveyed

13 concerns to me about the risk of spills into Lake

14 Oahe, which is the primary water supply.

15 My relationship with Chairman Archambault

16 goes back to a visit that I made to his reservation.

17 And I don't remember the year, but it was early to mid

18 my tenure, I'm guessing 2014 or '15, and it was

19 related largely to schools. But he talked about the

20 history of Lake Oahe and how the original Army Corps'

21 plan to dam the river was downstream and that the

22 settler families, the farming families, in I believe

23 it was the 1950s did not want their farmland flooded

24 and so it flooded the farmlands of the Standing Rock

25 Sioux Tribe.

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1 And so I just remember in our

2 conversation about -- knowing about the lake and

3 knowing that under the lake were burial grounds and

4 farms that had been on their original reservation had

5 been flooded. So we had a relationship from my visit

6 before.

7 And President Obama also made a visit to

8 the reservation, which was well documented. I think

9 that was 2015. So the chairman and I knew each other.

10 And he shared his concerns with me, but also shared

11 them with others who took the primary responsibility

12 for investigating the situation and, you know,

13 communicating as appropriate with other agencies.

14 Q. Were you also in any communication with

15 Ms. Jodi Gillette?

16 A. I mean, I was in communication with Jodi

17 on things such as the Tribal Nations Conference, but

18 not specific to the Standing Rock and Dakota Access

19 Pipeline, I don't believe. I think she had left her

20 role with the Obama administration by the time that

21 happened.

22 So I know Jodi. We worked together on

23 the president's visit and on other -- on the White

24 House Council on Native American Affairs and other

25 things, but I do not recall any other conversations

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1 with her that were related to the situation with the

2 pipeline.

3 Q. So you were familiar with Ms. Gillette

4 and interacted with her, but nothing with regard to

5 DAPL or the DAPL protests. Is that what your

6 testimony is?

7 A. That is to the best of my recollection.

8 I don't remember having any calls with Jodi that

9 related to this issue.

10 Q. And by "this issue," you're referring to

11 what?

12 A. The Dakota Access Pipeline and the

13 protests associated therewith.

14 Q. Okay. And when you are referring to the

15 Department of Interior role as an advocate with

16 respect to Native American tribes and treaty interests

17 and obligations with regard to the Standing Rock Sioux

18 Tribe Nation, which treaty rights and interests are

19 you referring to having -- being relevant to your role

20 regarding the Dakota Access Pipeline?

21 A. Typically tribes have formal sovereign

22 treaty obligations with the United States government.

23 I don't know what specific treaty was signed or if a

24 treaty was signed with the U.S. government, but there

25 is a formal relationship. And I would rely on my team

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30 to 33

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1 members in the Indian Affairs -- in this case it would
2 have been Larry Roberts -- along with the solicitor's
3 office that deals with Indian Affairs to understand
4 specifically the legal issues with those contracts --
5 I mean, with those treaties.

6 However, as a federally recognized tribe,
7 which the Standing Rock Sioux is, we have agreements
8 on what we must do. And that's true for any kind of
9 action on their lands. And that is, in this case,
10 tribal consultation. And, you know, that was the
11 issue -- the concerning issue that was expressed by
12 Chairman Archambault in this situation when they
13 requested that we work with them on advocating for
14 appropriate consultation.

15 Q. Okay. And with respect to that advocacy
16 for appropriate consultation, to whom were you
17 advocating? Who was the audience for your advocacy in
18 that capacity?

19 A. I'm speaking not personally, but about
20 the role of the Department of the Interior.

21 Q. Yes.

22 A. So I did not personally advocate with any
23 entity on the outside. I don't know -- I mean, the
24 company that would be required to consult would be the
25 pipeline company. I know that there were questions

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1 about whether they had appropriately consulted.

2 Somewhere during the process, I became
3 aware of the Corps' role -- the Army Corps of
4 Engineers' role in permitting the water crossing of
5 the pipeline. And so at some point -- and I don't
6 know exactly when -- my teammates were working with
7 the Corps on ensuring that the Corps was aware of what
8 the U.S. federal government's obligations were with
9 regard to tribal consultation and upholding the
10 National Environmental Policy Act and so on.

11 Q. Okay. Ms. Jewell, are you aware of the
12 permitting and siting process that was associated with
13 the Dakota Access Pipeline?

14 A. I was peripherally aware. My chief of
15 staff indicated to me that the Corps needed to provide
16 a permit for crossing the water body and that there
17 were questions about whether an appropriate
18 environmental analysis or environmental impact
19 statement had been done.

20 I believe the pipeline, for the most
21 part, crossed -- well, I don't know the property
22 ownership of the pipeline route. I know that it
23 crossed sacred sites as determined by the tribe. I
24 don't know if those were on private land or who the
25 landowner was, but I was aware during this process

Page 32

1 that the Corps' permit would be required to cross the
2 water body.

3 Q. Yeah. How about the nonfederal
4 permitting and siting and consideration of the Dakota
5 Access Pipeline? Are you aware of that process?

6 MS. STEINER: Objection; vague, compound.

7 Q. (BY MR. SEBY) Please answer.

8 A. I'm peripherally aware of the process,
9 not deeply aware.

10 Q. Okay. Are you aware of which entity
11 conducted that siting analysis and consideration for
12 the land-based route of the Dakota Access Pipeline?

13 A. I don't know specifically. I will say my
14 understanding from conversations was that there was a
15 route considered north of Bismarck that people
16 objected to upstream of the water supply of Bismarck
17 and that a second route was selected that was close --
18 that was less direct that bent south of Bismarck, but
19 ran very close to Standing Rock Sioux Tribe land and
20 was to cross a lake, a much larger water body, than
21 the Missouri River at an upstream location.

22 You know, who the landowners were along
23 that route, I'm not aware. I do know that if sites
24 are crossed that are important to tribal communities
25 that they require consultation. And that's the

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1 portion of this that really involved my awareness and
2 my peripheral engagement, as I've referenced before.

3 Q. How about what is your understanding of
4 the State of North Dakota's role with respect to the
5 Dakota Access Pipeline siting?

6 MS. STEINER: Objection; lack of personal
7 knowledge.

8 Q. (BY MR. SEBY) Please answer.

9 A. I don't know what the role of the State
10 of North Dakota is.

11 Q. So are you aware at all of the
12 several-month-long proceeding that was held by the
13 Public Service Commission of the State of North
14 Dakota?

15 MS. STEINER: Objection; mischaracterizes
16 the evidence, lack of personal knowledge.

17 Q. (BY MR. SEBY) Ms. Jewell?

18 A. I'm not aware of the process you're
19 talking about.

20 Q. Okay. Are you aware of whether the
21 Department of Interior participated in that Public
22 Service Commission process?

23 MS. STEINER: Objection; vague.

24 Q. (BY MR. SEBY) Ms. Jewell?

25 A. I'm not aware.

33:3-10
FRE
401-402
; 602

33:11-19
FRE
401-402;
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33:20-22
FRE 106;
401-402;
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34:1-12
FRE
401-402;
602

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1 Q. Are you aware of the manner of
2 participation by the Standing Rock Sioux Tribe in the
3 State of North Dakota Public Service Commission
4 process?
5 MS. STEINER: Objection; lack of personal
6 knowledge.
7 Q. (BY MR. SEBY) Ms. Jewell?
8 A. Chairman Archambault indicated that there
9 was some participation in some process by the tribe
10 and that they did not feel that they had been listened
11 to or heard. I don't know if that's the process you
12 referenced or something else.
13 Q. Okay. But you don't know which process
14 he may have been referring to?
15 A. I don't know.
16 Q. Okay. How about the participation by any
17 other federal agency in the state Public Service
18 Commission process?
19 MS. STEINER: Objection; assumes facts
20 not in evidence, lack of personal knowledge.
21 Q. (BY MR. SEBY) Ms. Jewell?
22 A. I don't know.
23 Q. Okay. Did you do any other personal
24 investigation into the state's permitting and siting
25 process or did you direct any Department of Interior

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1 personnel to investigate that?
2 MS. STEINER: Objection; vague, compound.
3 Q. (BY MR. SEBY) Ms. Jewell?
4 A. I don't remember any discussion.
5 Q. That's fine. I'm just trying to
6 understand the process. Did you ever personally or
7 direct Department of Interior representatives to
8 investigate that process with the Army Corps of
9 Engineers?
10 MS. STEINER: Objection; vague, assumes
11 facts.
12 A. I personally did not direct anything of
13 that nature. I can't speak to what my teammates may
14 have investigated.
15 Q. (BY MR. SEBY) Okay. All right. I'd like
16 to ask a bit more about your position as a
17 cabinet-level secretary. Ms. Jewell, as a secretary
18 in the president's cabinet, if I may ask, who do you
19 feel you report to in that capacity? That's an
20 awfully senior position and in the executive branch of
21 the United States government. Who would your boss be
22 at that point?
23 A. My boss would technically be the
24 President of the United States.
25 Q. Of course, yeah.

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1 A. The president, regardless of who's in the
2 role, is an extremely busy person. And so I think
3 it's fair to say that cabinet members coordinated on a
4 regular basis with members of the White House team.
5 Q. Would that be the Executive Office of the
6 President?
7 A. Yes, but there are many people in the
8 Executive Office of the President. I would say the
9 primary contacts would be the chief of staff, the
10 deputy chief of staff. There's oftentimes a -- I
11 don't know even know what the title was. There were
12 people in the president's office that helped focus on
13 certain portfolios that he had and would be more
14 familiar with one area than the other.
15 So we would interact with those sorts of
16 people who would have greater familiarity and would
17 join the president in strategic discussions with us
18 because they would have, you know, more knowledge on a
19 specific lane, given the breadth of the president's
20 responsibilities.
21 Q. Sure. Sure. And, Ms. Jewell, with
22 respect to your capacity as secretary of the interior,
23 on matters concerning the Dakota Access Pipeline, who
24 did you liaison with then at the White House on that
25 topic?

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1 A. We provided weekly summaries of
2 activities for all activities to the White House. I
3 don't know who the audience was for that. I presume
4 the president saw it. And that would cover, you know,
5 major matters that might come to his attention or
6 might be, you know, in the public's eye to ensure the
7 White House was aware. So in terms of liaise -- did
8 you ask me about liaising regularly? I'm sorry. I
9 can't remember the whole question.
10 Q. No problem. I was asking about who
11 you -- the word seems a bit off calibration with
12 regard to this as being a cabinet-level secretary, but
13 when you -- and I was asking who your boss was, and
14 obviously it's the president. And you were explaining
15 because the president is a very busy individual that
16 he has a staff that helps with the coordination and
17 communication with cabinet secretaries and agencies.
18 And I understand that.
19 So my question then was, when you were
20 secretary of the interior, concerning matters related
21 to the Dakota Access Pipeline, who were your principal
22 contacts with at the Executive Office of the
23 President?
24 A. I don't recall having specific
25 conversations with people at the White House about the

35:15-24
FRE 611

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1 Dakota Access Pipeline situation. However, as I

2 mentioned, we did provide a weekly update and there --

3 because of the activities, the camp that was

4 generated, the protests that were generated, it was in

5 the news media. And so our team -- communications

6 team would have been in touch with the White House

7 press office to ensure that they were aware of what

8 was going on.

9 What's key in operating an entity as

10 large as the U.S. federal government is that there are

11 no surprises, but I also will say that the White

12 House, in the case of the Dakota Access Pipeline,

13 allowed the agencies to do their jobs and to work in

14 their respective areas of responsibility. And it was

15 not a situation where the White House was providing

16 direction to us. Our job was to keep them informed,

17 and we did that generally through this weekly process.

18 Q. Okay.

19 A. One amendment. Karen Diver was the

20 tribal liaison for the president. I don't recall

21 specific conversations with Karen on this, but I

22 suspect -- but she would have been interested because

23 of the nature of the tribal engagement --

24 Q. And that's Karen --

25 A. -- and the White House Office of the

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1 President. Excuse me.

2 Q. Pardon me. I just was going to ask the

3 name. Karen Diver, D-i-v-e-r?

4 A. Correct.

5 Q. Okay. Was there anyone else that stands

6 out like Ms. Diver who was a principal point of

7 contact?

8 A. No. And even in the case of Karen, I

9 don't recall having conversations with her about this,

10 but given her role, she would have been informed. And

11 we were in touch on a variety of things. And I don't

12 recall specifically whether this came up, but it would

13 have been likely. She replaced Jodi Gillette as the

14 president's primary liaison with native communities.

15 Q. Okay. And how about Valerie Jarrett?

16 Did you ever speak or interact with her with regard to

17 the Dakota Access Pipeline issues?

18 MS. STEINER: Objection; assumes facts

19 not in evidence.

20 A. I do not recall discussing this with

21 Valerie. It doesn't mean that it happened or it

22 didn't happen. I just don't remember this as

23 something that we talked about.

24 Q. (BY MR. SEBY) Was it also your

25 responsibility as secretary of the interior to liaison

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1 with other federal agencies?

2 MS. STEINER: Objection; vague.

3 Q. (BY MR. SEBY) Ms. Jewell?

4 A. When we had intersecting interests, it

5 was common that we worked together. At the

6 president's direction there was an entity created at

7 the beginning of my term called the White House

8 Council on Native American Affairs, which was a

9 council that I chaired.

10 It was -- it brought together the cabinet

11 secretaries and sometimes their designees, but very

12 high-level members from multiple agencies across the

13 federal government. And the topics were to help

14 educate the whole federal government about their roles

15 in upholding trust and treaty obligations to tribes.

16 So in that context, we had periodic

17 meetings, you know, three, four times a year and had

18 specific areas of focus. For example, tribal

19 education, partnership with the Department of

20 Education and others, environmental cleanup. EPA was

21 involved.

22 Transportation, Department of

23 Transportation was involved, rural development,

24 broadband, Department of Agriculture was involved, and

25 of course Health and Human Services, which has the

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1 Indian health service, and substance abuse and mental

2 health agency were involved in terms of health care.

3 So there was regular interaction between cabinet

4 secretaries and their designees as it related to

5 tribal issues.

6 Q. Was the Department of the Army involved

7 in that task force?

8 A. I don't believe that Defense Secretary

9 Carter -- Ash Carter joined for the meetings, but

10 certainly Department of Defense did have engagement

11 with tribal communities. I don't believe the Corps of

12 Engineers participated, but I don't actually remember

13 who was attending those meetings.

14 As it relates to the Dakota Access

15 Pipeline situation at Standing Rock, my teammates were

16 in touch with the Army Corps of Engineers around

17 ensuring that they knew what our government's

18 responsibility was to the tribes. So I know that

19 there were contacts between Interior and the Army

20 Corps, but they're not -- those were not meetings that

21 I was typically involved in.

22 Q. So were you the chair of the White House

23 Council on Native American Affairs in 2016?

24 A. I was.

25 Q. And then you held that position through

<p style="text-align: right;">Page 42</p> <p>1 the end of the Obama administration, did you?</p> <p>2 A. I did.</p> <p>3 Q. And during that period of time, 2016</p> <p>4 through the end of your -- the president's term, did</p> <p>5 you have the Dakota Access Pipeline topic ever on your</p> <p>6 agenda for the meetings of the White House Council on</p> <p>7 Native American Affairs?</p> <p>8 MS. STEINER: Objection; vague, assumes</p> <p>9 facts not in evidence.</p> <p>10 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>11 A. I don't even know if we had a meeting of</p> <p>12 the council during that final period. If we did, I</p> <p>13 would be -- it would not have been likely that this</p> <p>14 would have been a topic on that agenda. The president</p> <p>15 held a White House Tribal Nations Conference every</p> <p>16 year of his presidency, and that would have included</p> <p>17 in the fall of 2016.</p> <p>18 And so the White House Council on Native</p> <p>19 American Affairs was -- the people that worked at it</p> <p>20 at the agencies were involved in engaging their folks</p> <p>21 in that event. So that would have taken up most of</p> <p>22 our time with regard to the council in that final year</p> <p>23 of President Obama's presidency, but I do not recall</p> <p>24 what was specifically on the agenda, nor when we met</p> <p>25 during that year of 2016.</p>	<p style="text-align: right;">Page 44</p> <p>1 associated with the council were working on the Tribal</p> <p>2 Nations Conference.</p> <p>3 It feels, you know, kind of off topic.</p> <p>4 The main areas of focus of the White House Tribal</p> <p>5 Nations Conference were helping the agencies across</p> <p>6 the government recognize that they had</p> <p>7 responsibilities to tribes. That council collectively</p> <p>8 came up with the areas that needed greatest focus and</p> <p>9 we had consultation with tribes in that process.</p> <p>10 And those involved some of the areas I</p> <p>11 mentioned before around health care, education,</p> <p>12 transportation, economic development, and so on. So I</p> <p>13 do not recall that body discussing the Dakota Access</p> <p>14 Pipeline. It doesn't mean it didn't come up. I just</p> <p>15 don't remember.</p> <p>16 Q. (BY MR. SEBY) Thank you. Thank you for</p> <p>17 that clarification. Do you recall your participation</p> <p>18 in the Tribal Nations Conference in 2016?</p> <p>19 A. Yes, I think so. I mean, I participated</p> <p>20 in every Tribal Nations Conference. What's not clear</p> <p>21 to me is what was in '16 or '15 or '14 or '13. And I</p> <p>22 know we had a youth gathering as well, a native youth</p> <p>23 conference around that time.</p> <p>24 So I just can't remember exactly what</p> <p>25 happened in 2015 -- or '16, rather, versus the other</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. But is it your testimony that the council</p> <p>2 did not meet in the year of 2016 other than in</p> <p>3 conjunction with the tribal conference that the White</p> <p>4 House held?</p> <p>5 MS. STEINER: Objection; misstates the</p> <p>6 evidence.</p> <p>7 A. No, that is not my recollection. I am</p> <p>8 pretty confident that we met over the course of the</p> <p>9 year. I do not believe we would have had the Dakota</p> <p>10 Access Pipeline as a topic, but I do not remember when</p> <p>11 we met, nor what the agendas were. And those would</p> <p>12 all be a matter of the public record. I just don't</p> <p>13 have them and I don't know.</p> <p>14 Q. (BY MR. SEBY) Sure. Otherwise the</p> <p>15 council worked on planning and preparation for the</p> <p>16 tribal conference?</p> <p>17 MS. STEINER: Objection; misstates the</p> <p>18 evidence.</p> <p>19 A. And that's not what I said either. I</p> <p>20 said there were multiple areas of focus that the</p> <p>21 council had, that the Tribal Nations Conference</p> <p>22 typically took place in the fourth quarter -- well,</p> <p>23 calendar quarter of the year. And so there would have</p> <p>24 been preparations for that, but I do not recall</p> <p>25 whether the council itself met or whether people</p>	<p style="text-align: right;">Page 45</p> <p>1 years, but I believe there was a Tribal Nations</p> <p>2 Conference. I absolutely would have participated.</p> <p>3 And I'm sorry I didn't, you know, go back and look for</p> <p>4 information on that or even -- I mean, it's in the</p> <p>5 photographic record, but that's about it.</p> <p>6 Q. Sure.</p> <p>7 A. Yeah.</p> <p>8 Q. But you do recall participating in the</p> <p>9 Tribal Conference -- Tribal Nations Conference in 2016</p> <p>10 at the White House?</p> <p>11 A. I believe I participate -- I believe</p> <p>12 there was a Tribal Nations Conference in 2016. I</p> <p>13 absolutely would have participated. They're just kind</p> <p>14 of running together. And I know we were running a</p> <p>15 youth conference, and I believe it was the same year.</p> <p>16 And there was a lot going on.</p> <p>17 So I'm sorry. I'm just trying to -- I</p> <p>18 don't want to get tripped up and have you say, Well,</p> <p>19 the Tribal Nations Conference was different or it was</p> <p>20 just a youth conference. There were a lot of things</p> <p>21 going on to recognize our responsibilities with tribes</p> <p>22 at that time. I believe there was a Tribal Nations</p> <p>23 Conference. I would have participated actively. I</p> <p>24 just don't remember exactly what was happening at that</p> <p>25 very busy time.</p>

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<p style="text-align: right;">Page 46</p> <p>1 Q. Sure. Yeah. There's no effort to trip</p> <p>2 you up. I'm just trying to ask about your capacity as</p> <p>3 secretary of the interior and the things that you</p> <p>4 worked on while you were secretary. 2016 was the last</p> <p>5 year of your tenure?</p> <p>6 A. Correct.</p> <p>7 Q. So I was just asking if you had</p> <p>8 recollections. As the last Tribal Nations Conference</p> <p>9 you would have participated in, did you recall whether</p> <p>10 or not the Dakota Access Pipeline was a topic of that</p> <p>11 conference?</p> <p>12 A. I don't recall.</p> <p>13 Q. Okay. We can talk about it later, but</p> <p>14 you gave a speech at that conference, and I want to go</p> <p>15 over your dialogue with your Department of Interior</p> <p>16 staff in preparing for that speech and show you your</p> <p>17 own speech and where you led off with the Dakota</p> <p>18 Access Pipeline as the topic. We can come to that in</p> <p>19 a moment. I just wanted to kind of explain that</p> <p>20 that's the context for these questions, is to</p> <p>21 understand the manner in which you brought that up as</p> <p>22 secretary of the interior.</p> <p>23 So when your interactions -- you were</p> <p>24 explaining a moment ago about your interactions with</p> <p>25 the White House. Did you also participate in any</p>	<p style="text-align: right;">Page 48</p> <p>1 Kathleen Ferguson?</p> <p>2 A. I don't remember. Her name is familiar,</p> <p>3 but I don't recall what interactions I might have had</p> <p>4 with her. Sorry.</p> <p>5 Q. That's -- I appreciate you telling me</p> <p>6 that. How about in terms of your role that you</p> <p>7 explained about advocating for tribal interests?</p> <p>8 Being an advocate, you're advocating to someone.</p> <p>9 Who -- with regard to DAPL, who was the target of your</p> <p>10 advocacy? I use "target" as recipient or audience.</p> <p>11 That's the question, if you can help me understand</p> <p>12 that better.</p> <p>13 MS. STEINER: Objection; mischaracterizes</p> <p>14 the evidence.</p> <p>15 Q. (BY MR. SEBY) Please.</p> <p>16 A. I may have used the word "advocate." I</p> <p>17 believe I did. I'm not sure that appropriately</p> <p>18 characterizes the role of the Department of the</p> <p>19 Interior. What I was trying to convey is that part of</p> <p>20 the role of the Department of the Interior is to raise</p> <p>21 awareness among groups that would be required to do</p> <p>22 tribal consultation that this was actually an</p> <p>23 expectation of our role as part of the federal</p> <p>24 government.</p> <p>25 So an appropriate audience for that would</p>
<p style="text-align: right;">Page 47</p> <p>1 capacity with President Obama's domestic policy</p> <p>2 council?</p> <p>3 A. Yes. Cecilia Munoz was head of the</p> <p>4 Domestic Policy Council, and there were a number of</p> <p>5 interactions that we had with them over my tenure.</p> <p>6 Q. And what was the title of Ms. Munoz's</p> <p>7 position as head of the White House Domestic Policy</p> <p>8 Council?</p> <p>9 A. I believe it was director of the Domestic</p> <p>10 Policy Council, but I actually am not sure what her</p> <p>11 title was. But she was the head of it, as you pointed</p> <p>12 out.</p> <p>13 Q. Okay. How about was there a chief of</p> <p>14 staff position as well?</p> <p>15 A. The president had a chief of staff that</p> <p>16 was Denis McDonough.</p> <p>17 Q. He was the big cheese chief of staff?</p> <p>18 A. Yeah.</p> <p>19 Q. Did you interact with him at all with</p> <p>20 respect to the Dakota Access Pipeline?</p> <p>21 A. I don't recall direct interactions with</p> <p>22 Denis on the Dakota Access Pipeline. It doesn't mean</p> <p>23 that we didn't have conversations about it. I just</p> <p>24 don't recall any specifically.</p> <p>25 Q. How about an individual by the name of</p>	<p style="text-align: right;">Page 49</p> <p>1 be anyone that would perhaps -- how do I want to say</p> <p>2 this? -- anyone who would be taking actions that might</p> <p>3 require that consultation. So in the case of the</p> <p>4 Dakota Access Pipeline, I don't know if the Army Corps</p> <p>5 had a consultation role in terms of the pipeline</p> <p>6 route, but it did have a role in doing appropriate</p> <p>7 environmental review and conducting NEPA, National</p> <p>8 Environmental Policy Act, analysis on the crossing of</p> <p>9 the water body.</p> <p>10 And that would also involve tribal</p> <p>11 consultation. So that's the primary audience that</p> <p>12 Interior would have had. And I know we did have</p> <p>13 conversations to make sure they were aware of the U.S.</p> <p>14 government's responsibility to the tribe in terms of</p> <p>15 the environmental review and the tribal consultation.</p> <p>16 Q. Okay. And so the audience, then, for the</p> <p>17 Department of Interior's participation -- and I'm</p> <p>18 trying not to use the word "advocacy" because I think</p> <p>19 you've cautioned that that's probably too strong of a</p> <p>20 word.</p> <p>21 A. Yeah. It's the wrong word, really. It's</p> <p>22 more education and awareness and ensuring people know</p> <p>23 what our responsibilities are. So in many cases, the</p> <p>24 tribe looks to the Department of the Interior to raise</p> <p>25 awareness with other entities of our obligations as</p>

<p style="text-align: right;">Page 50</p> <p>1 the federal government to the tribe.</p> <p>2 Q. And then you indicated with respect to</p> <p>3 the Dakota Access Pipeline, you were fairly confident</p> <p>4 that the Corps had such a role in the process for</p> <p>5 considering whether or not to grant approvals for the</p> <p>6 river crossing for the Dakota Access Pipeline; is that</p> <p>7 fair?</p> <p>8 MS. STEINER: Objection; mischaracterizes</p> <p>9 the evidence.</p> <p>10 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>11 A. Just to be clear, I relied on my</p> <p>12 teammates who were those in contact with others,</p> <p>13 including the Army Corps of Engineers. So I am not</p> <p>14 deeply familiar with all the ins and outs of the law</p> <p>15 and the consultation requirements. That's why I rely</p> <p>16 on others. It's my understanding that we had</p> <p>17 conversations with the Army Corps relating to their</p> <p>18 responsibilities to the tribe in this process, but the</p> <p>19 specifics of those discussions is something that I was</p> <p>20 not involved in directly.</p> <p>21 Q. In your capacity as secretary of the</p> <p>22 interior, how did you interact with secretary of the</p> <p>23 army Eric Fanning, if at all?</p> <p>24 MS. STEINER: Objection; assumes facts.</p> <p>25 Q. (BY MR. SEBY) Ms. Jewell?</p>	<p style="text-align: right;">Page 52</p> <p>1 MS. STEINER: Objection; vague.</p> <p>2 Q. (BY MR. SEBY) Ms. Jewell, the chief of</p> <p>3 the engineers at that time was Lieutenant General Todd</p> <p>4 Semonite. Does that name ring a bell?</p> <p>5 A. Not really.</p> <p>6 Q. Okay. Major Ed Jackson?</p> <p>7 A. No.</p> <p>8 Q. Brigadier General Scott Spellmon?</p> <p>9 A. No.</p> <p>10 Q. Okay. Colonel Henderson?</p> <p>11 A. His name is familiar. I don't recall</p> <p>12 having a conversation with him or meeting with him.</p> <p>13 Q. Okay. So you mentioned you had several</p> <p>14 advisers and that, of course, is the case with a</p> <p>15 cabinet-level secretary. What role in the Dakota</p> <p>16 Access Pipeline federal consideration and approval</p> <p>17 process or the DAPL protests did Deputy Secretary</p> <p>18 Michael Connor at the Department of Interior have?</p> <p>19 MS. STEINER: Objection; lack of personal</p> <p>20 knowledge, compound, vague.</p> <p>21 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>22 A. In general, Mike Connor -- in general, I</p> <p>23 do not recall Mike Connor being deeply involved in the</p> <p>24 situation with Standing Rock and the Dakota Access</p> <p>25 Pipeline. He certainly would have been informed. He</p>
<p style="text-align: right;">Page 51</p> <p>1 A. I don't recall interacting with Eric</p> <p>2 Fanning. In fact, I'm not sure that I've ever met</p> <p>3 him.</p> <p>4 Q. Okay. How about with the defense</p> <p>5 secretary, Ash Carter, concerning DAPL? Did that ever</p> <p>6 come up as a topic of communication between the two of</p> <p>7 you, verbally or otherwise?</p> <p>8 A. I don't recall having a conversation with</p> <p>9 Secretary Carter about the pipeline. Doesn't mean</p> <p>10 that it might not have come up incidentally, but I</p> <p>11 don't recall such a conversation.</p> <p>12 Q. Do you ever recall making any asks or</p> <p>13 requests of Secretary Carter?</p> <p>14 MS. STEINER: Objection; vague.</p> <p>15 Q. (BY MR. SEBY) Concerning the Dakota</p> <p>16 Access Pipeline, of course.</p> <p>17 A. I don't recall making any requests</p> <p>18 directly of Secretary Carter. I believe our -- my</p> <p>19 department's interactions were largely with the Army</p> <p>20 Corps, not moving it up the chain.</p> <p>21 Q. Okay. In your capacity as secretary of</p> <p>22 the interior, what was your relation relative to the</p> <p>23 career military professionals in the Corps of</p> <p>24 Engineers? And I can give you some names if that</p> <p>25 helps.</p>	<p style="text-align: right;">Page 53</p> <p>1 and I met regularly, but the primary points of contact</p> <p>2 were different than Mike Connor in this situation.</p> <p>3 Q. So you don't recall him having much of a</p> <p>4 role or not deep -- I mean, I think you said "deeply</p> <p>5 involved." How about shallowly involved or any manner</p> <p>6 in between? I'm just trying to gauge was he just kept</p> <p>7 apprised of it or was he given any responsibilities</p> <p>8 relative to the topic?</p> <p>9 MS. STEINER: Objection; vague, compound.</p> <p>10 Q. (BY MR. SEBY) I'm sorry, Ms. Jewell. I</p> <p>11 didn't hear you.</p> <p>12 A. My primary points of contact were my</p> <p>13 chief of staff and the head of Indian Affairs on the</p> <p>14 Dakota Access Pipeline. Mike Connor as deputy</p> <p>15 secretary of the interior would have been well</p> <p>16 informed, but I don't know the degree to which he was</p> <p>17 working with my colleagues on this directly.</p> <p>18 For the most part, he and I had other</p> <p>19 pressing topics that we discussed. And, you know,</p> <p>20 this is not one that I recall Deputy Secretary Connor</p> <p>21 being as involved with as some other issues, but I</p> <p>22 don't remember the nature of all of our conversations.</p> <p>23 We worked together on many things.</p> <p>24 Q. Okay. Do you recall him bringing the</p> <p>25 protests to your attention in mid-August of 2016?</p>

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1 MS. STEINER: Objection; assumes facts
2 not in evidence.
3 A. I don't remember who brought the protests
4 to my attention and when exactly that was.
5 Q. (BY MR. SEBY) All right. With respect to
6 your team, did you rely upon them to receive
7 information concerning the Dakota Access Pipeline and
8 the protests?
9 MS. STEINER: Objection; vague.
10 A. I relied on my team to basically receive
11 all incoming information, not just specific to this,
12 but as you might imagine, it's an enormous job, 70,000
13 employees, ten bureaus, other activities, and there
14 are -- there's a lot of incoming. So typically that
15 was -- anything of that nature, unless it was
16 immediate or life-threatening, would have been brought
17 to other people's attention before it came to my
18 attention.
19 Q. (BY MR. SEBY) Of course. And with
20 respect to the DAPL-related issues, is it your
21 testimony that you principally relied upon Larry
22 Roberts, Lawrence Roberts, and Tommy Beaudreau?
23 MS. STEINER: Objection; misstates the
24 evidence.
25 Q. (BY MR. SEBY) Ms. Jewell?

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1 A. Tommy Beaudreau was my chief of staff.
2 Larry Roberts was leading Indian Affairs. He was
3 technically the principal deputy assistant secretary,
4 but the assistant secretary before him had left and so
5 he was acting in that capacity. They both were
6 important advisers through this process as it related
7 to the Standing Rock Sioux Tribe and the Dakota Access
8 Pipeline.
9 There would have been other people that I
10 would also have spoken with, including a solicitor of
11 the Department of the Interior, Hilary Tompkins, and
12 likely others, but please understand there was a lot
13 going on at this period of time. I think we also had
14 the armed occupation of the Malheur National Wildlife
15 Refuge.
16 There were a lot of things happening.
17 And so I can't remember specifically all the names of
18 the people that were involved in the Dakota Access
19 Pipeline, but it is fair to say that Tommy Beaudreau
20 and Larry Roberts were the most frequent close staff
21 members that were keeping me informed on this issue.
22 Q. And would those be your principal
23 representatives that you dispatched to interact with
24 the Army Corps of Engineers?
25 MS. STEINER: Objection; assumes facts

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1 not in evidence.
2 A. I relied on them to keep me informed of
3 the process. I don't know who was speaking with the
4 Army Corps directly, nor exactly who at the Army Corps
5 they were speaking with. They were reporting to me
6 that there were conversations with the Army Corps. I
7 don't -- you know, how much of that might have been
8 direct by Mr. Beaudreau or Roberts, I'm not exactly
9 sure.
10 Q. (BY MR. SEBY) What direction did you give
11 those individuals, Ms. Jewell, when you were secretary
12 with respect to the Department of Interior's positions
13 for interacting with the Army Corps of Engineers?
14 MS. STEINER: Objection; assumes facts
15 not in evidence, vague.
16 A. The direction that I would give as
17 secretary of the interior would be to uphold the law.
18 That is my obligation as a public servant, and that
19 means all aspects of the law, you know, what is the
20 law in this case. My team understood our obligations.
21 So I was not giving them direction different than
22 what, in their judgment, they believed was upholding
23 our responsibilities as the Department of the
24 Interior. And I trusted them to do that.
25 Q. (BY MR. SEBY) Okay. Other than that

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1 broad charge, did you tell them that you wanted any
2 certain outcomes or goals accomplished or achieved in
3 interacting with the Army Corps of Engineers?
4 MS. STEINER: Objection; misstates the
5 evidence.
6 A. We shared an objective to make sure that
7 the law was upheld and that the appropriate process
8 was followed, and that related largely to tribal
9 consultation and environmental reviews.
10 Q. (BY MR. SEBY) And that would be all
11 aspects of the law, right, not just certain ones, but
12 all aspects? That's obviously the charge?
13 MS. STEINER: Objection; misstates the
14 evidence.
15 A. Can you help me understand what you're
16 trying to get at?
17 Q. (BY MR. SEBY) I'm just trying to
18 understand the scope when you say of course your
19 direction was to your Department of Interior staff to
20 uphold the law. And I'm just asking, by that do you
21 mean all aspects of the law?
22 MS. STEINER: Objection; vague, misstates
23 the evidence.
24 A. Let me be specific in what I'm referring
25 to in this case.

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FRE 602, 611

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<p style="text-align: right;">Page 58</p> <p>1 Q. (BY MR. SEBY) Okay.</p> <p>2 A. Tribal consultation is an obligation of</p> <p>3 the U.S. federal government and other entities to</p> <p>4 tribes. And that's a key element that was at play</p> <p>5 with the Dakota Access Pipeline, and environmental</p> <p>6 review, which is the National Environmental Policy</p> <p>7 Act. That is specifically what I'm referring to in</p> <p>8 this case.</p> <p>9 Q. All right. And so you were aware, then,</p> <p>10 that senior Department of Interior representatives,</p> <p>11 including the assistant secretary, were communicating</p> <p>12 with assistant secretary of the army Jo-Ellen Darcy</p> <p>13 and her principal deputy?</p> <p>14 MS. STEINER: Objection; assumes facts</p> <p>15 not in evidence.</p> <p>16 Q. (BY MR. SEBY) Is that fair to say?</p> <p>17 A. Which assistant secretary are you</p> <p>18 referring to in your question?</p> <p>19 Q. I indicated, assistant secretary of the</p> <p>20 army, Jo-Ellen Darcy.</p> <p>21 A. Before you that said assistant secretary</p> <p>22 as it related to interior.</p> <p>23 Q. I'm sorry. Yes. Assistant secretary of</p> <p>24 the interior, Mr. Connor.</p> <p>25 A. Mike Connor was deputy secretary of the</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Okay. You personally, what kind of</p> <p>2 interaction did you have with the Army Corps of</p> <p>3 Engineers regarding DAPL?</p> <p>4 MS. STEINER: Objection; assumes facts</p> <p>5 not in evidence.</p> <p>6 Q. (BY MR. SEBY) To the extent you had any,</p> <p>7 Ms. Jewell.</p> <p>8 A. I don't recall having a meeting with</p> <p>9 Jo-Ellen Darcy about this. I do know that on occasion</p> <p>10 we would see each other at events and it would have --</p> <p>11 the topic may well have come up, but I don't remember</p> <p>12 and I don't have my calendar from that period of time.</p> <p>13 So I was not personally involved in these discussions</p> <p>14 around the role of the Army Corps and the Dakota</p> <p>15 Access Pipeline and the tribe with Jo-Ellen Darcy.</p> <p>16 Q. So I asked about communications with</p> <p>17 Ms. Darcy and you responded you don't recall meeting</p> <p>18 with her. How about communicating with her in other</p> <p>19 manners? Any other manner of communication with</p> <p>20 Ms. Darcy?</p> <p>21 A. I may have. I don't remember. You know,</p> <p>22 if I did, it would have been most likely e-mail, but I</p> <p>23 don't remember.</p> <p>24 Q. Okay. And which period of time would you</p> <p>25 have been e-mailing with Ms. Darcy?</p>
<p style="text-align: right;">Page 59</p> <p>1 interior.</p> <p>2 Q. I apologize. I apologize. By assistant</p> <p>3 secretary I was referring to Lawrence Roberts.</p> <p>4 A. And he was not technically assistant</p> <p>5 secretary. He was acting in that capacity. I just</p> <p>6 want to make sure. There are multiple assistant</p> <p>7 secretaries. There's only one deputy secretary.</p> <p>8 Larry Roberts was the -- I don't know if he was</p> <p>9 technically the acting assistant secretary or the</p> <p>10 principal deputy assistant secretary. And I say this</p> <p>11 because you can only have a person in an acting role</p> <p>12 for a certain number of months.</p> <p>13 Q. I see.</p> <p>14 A. And so I'm not trying to be difficult</p> <p>15 here. I'm just trying to explain. It would be</p> <p>16 helpful if you'd use the person's name so I know</p> <p>17 specifically who you're referring to.</p> <p>18 Q. Yes. Lawrence -- Larry Roberts.</p> <p>19 A. Yeah. I do not know who spoke with</p> <p>20 Jo-Ellen Darcy at the Army Corps. I don't know</p> <p>21 whether Mike Connor spoke to her or Larry Roberts</p> <p>22 spoke to her or Tommy Beaudreau spoke to her or all</p> <p>23 three of them. I do know that my teammates were</p> <p>24 involved in conversation with her, and I probably was</p> <p>25 informed at the time, but I just don't remember.</p>	<p style="text-align: right;">Page 61</p> <p>1 MS. STEINER: Objection; vague.</p> <p>2 Q. (BY MR. SEBY) If you did. I'm just</p> <p>3 trying to ask a question tied to your response.</p> <p>4 A. I remember infrequent communications with</p> <p>5 her over the four years that I was in office. We had</p> <p>6 a cordial relationship, but we didn't have a lot of</p> <p>7 interaction. So I don't remember specifically. There</p> <p>8 were other projects the Army Corps was involved in</p> <p>9 like restoring the Everglades and the channel -- you</p> <p>10 know, removing the channelization of the rivers</p> <p>11 leading to the Everglades and so on. So there were</p> <p>12 various reasons for us to connect, but yeah, I just</p> <p>13 don't remember specifics. It's not like we were</p> <p>14 regular pen pals.</p> <p>15 Q. Yeah. How about would your staff at the</p> <p>16 Department of the Interior share with you information</p> <p>17 from the Corps of Engineers concerning the DAPL</p> <p>18 situation?</p> <p>19 MS. STEINER: Objection; vague.</p> <p>20 A. Can you help me understand what you mean</p> <p>21 by --</p> <p>22 Q. (BY MR. SEBY) I'm just trying to</p> <p>23 understand. Were they given free rein to go with</p> <p>24 their charge to uphold the law regarding tribal</p> <p>25 consultation and NEPA, as I understood you to have</p>

ND OBJ:
Introduces new
material

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<p style="text-align: right;">Page 62</p> <p>1 said, and did they keep you posted along the way or</p> <p>2 occasionally or did they share information with you</p> <p>3 that came from the Corps? I'm just trying to</p> <p>4 understand how your staff, given the charge that you</p> <p>5 gave them, provide feedback to you?</p> <p>6 MS. STEINER: Objection; vague, compound.</p> <p>7 Q. (BY MR. SEBY) Ms. Darcy. Ms. Jewell.</p> <p>8 Excuse me. Pardon me.</p> <p>9 A. My staff was in regular touch with me on</p> <p>10 all kinds of matters. The chief of staff, if I was in</p> <p>11 town, would have been daily. I was out of town a lot</p> <p>12 in the role. We did, as I mentioned, a weekly update</p> <p>13 to the White House on issues of importance.</p> <p>14 And during the time of, you know, a lot</p> <p>15 of media coverage around the Dakota Access Pipeline,</p> <p>16 that would have been a fairly regular topic. And I</p> <p>17 was in contact with my team about the content of those</p> <p>18 messages, generally reviewed them, might have edited</p> <p>19 them if I felt something warranted editing. When it</p> <p>20 comes to specific -- review of specific documents</p> <p>21 related to the Army Corps, that is not typically the</p> <p>22 kind of detail I would have been involved with.</p> <p>23 Q. Yeah. But you were involved in the</p> <p>24 review and editing of weekly reports to the White</p> <p>25 House; is that accurate?</p>	<p style="text-align: right;">Page 64</p> <p>1 the protests?</p> <p>2 MS. STEINER: Objection; vague, misstates</p> <p>3 the evidence.</p> <p>4 A. I don't know.</p> <p>5 Q. (BY MR. SEBY) Okay. Did you ever</p> <p>6 interact with the attorney general of the United</p> <p>7 States?</p> <p>8 MS. STEINER: Objection; vague.</p> <p>9 A. I knew both Attorney General Holder and</p> <p>10 Attorney General Lynch as cabinet colleagues.</p> <p>11 Q. (BY MR. SEBY) Of course. Did you ever</p> <p>12 interact with them on matters concerning the Dakota</p> <p>13 Access Pipeline?</p> <p>14 MS. STEINER: Objection; vague.</p> <p>15 A. I don't recall having a conversation with</p> <p>16 Attorney General Lynch about the pipeline. It doesn't</p> <p>17 mean it might not have come up incidentally, but it</p> <p>18 would have been others if there were interactions</p> <p>19 between DOJ and Department of the Interior generally.</p> <p>20 Q. (BY MR. SEBY) Did you receive any</p> <p>21 directives from the Executive Office of the President</p> <p>22 concerning the Department of Interior's positions or</p> <p>23 determinations on the Dakota Access Pipeline? In</p> <p>24 other words, did anyone in the White House and the</p> <p>25 executive office direct you to take certain measures</p>
<p style="text-align: right;">Page 63</p> <p>1 MS. STEINER: Objection; misstates the</p> <p>2 evidence.</p> <p>3 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>4 A. If I was available and in town, typically</p> <p>5 I would review the message before it went to the White</p> <p>6 House. That wasn't always the case. So it depended.</p> <p>7 Q. Sure. Who would construct those for your</p> <p>8 review?</p> <p>9 MS. STEINER: Objection; vague.</p> <p>10 A. I'm not sure who-all had their hands on</p> <p>11 those. I know by the time they got to me they had</p> <p>12 been reviewed by a number of people. And I think</p> <p>13 typically Tommy Beaudreau as chief of staff would have</p> <p>14 had his eyes on them and I think it would have</p> <p>15 originated within his staff, which would have included</p> <p>16 a broad group of people, but I don't know specifically</p> <p>17 who had the pen. I suspect the pen was shared</p> <p>18 depending on the topic and then synthesized into what</p> <p>19 I saw.</p> <p>20 Q. (BY MR. SEBY) Okay. Do you recall when</p> <p>21 you raised DAPL-related concerns to the White House?</p> <p>22 MS. STEINER: Objection; assumes facts</p> <p>23 not in evidence, misstates the evidence.</p> <p>24 A. I don't remember.</p> <p>25 Q. (BY MR. SEBY) Would it have been prior to</p>	<p style="text-align: right;">Page 65</p> <p>1 or positions?</p> <p>2 MS. STEINER: Objection; vague, compound.</p> <p>3 And I'll instruct you not to answer to the extent that</p> <p>4 executive privilege is implicated; but if you can</p> <p>5 answer without implicating that privilege, you can go</p> <p>6 ahead and answer.</p> <p>7 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>8 A. I do not recall the White House providing</p> <p>9 directives relating to this issue.</p> <p>10 Q. Are you aware, Ms. Jewell, whether the</p> <p>11 White House and the Executive Office of the President</p> <p>12 ever instructed the Department of the Army, or the</p> <p>13 Army Corps of Engineers in particular, to indicate</p> <p>14 that all decisions concerning the DAPL approval or</p> <p>15 consideration process belonged primarily to you?</p> <p>16 MS. STEINER: Objection; vague, compound,</p> <p>17 misstates the evidence. I'll instruct you not to</p> <p>18 answer to the extent that answering may implicate</p> <p>19 executive privilege. If you can answer without</p> <p>20 implicating that privilege, you can answer.</p> <p>21 A. No.</p> <p>22 Q. (BY MR. SEBY) You do not recall ever --</p> <p>23 such instruction ever being issued?</p> <p>24 MS. STEINER: Same objections.</p> <p>25 Q. (BY MR. SEBY) I'm just trying to</p>

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1 understand your answer. No? No, you do not recall?

2 A. No, I do not recall.

3 MR. SEBY: Okay. Ms. Jewell, it's the

4 top of the hour and we've been going for an hour and a

5 half. Would you permit a ten-minute break? Go off

6 the record, Ms. Steiner?

7 MS. STEINER: Yes. Fine by me.

8 MR. SEBY: Okay. We'll return at ten

9 minutes past. Thank you.

10 THE VIDEOGRAPHER: Going off the record.

11 The time is 3:59 p.m. UTC, 9:59 a.m. Mountain.

12 (Recess taken, 9:59 a.m. to 10:10 a.m.)

13 THE VIDEOGRAPHER: We are back on the

14 record. The time is 4:10 p.m. UTC, 10:10 a.m.

15 Mountain.

16 Q. (BY MR. SEBY) Ms. Jewell, we're back on

17 the record after a short break. I want to ask you

18 about now some more questions concerning the Dakota

19 Access Pipeline protests. Do you recall speaking with

20 the governor of the state of North Dakota during the

21 protests?

22 A. I do. I had a relationship with Governor

23 Dalrymple from earlier visits to the state. So, yes,

24 I do recall having a conversation with him.

25 Q. And the relationship and earlier visits,

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1 can you elaborate on what those involved?

2 A. I made my first visit to North Dakota

3 associated with the oil and gas industry there in the

4 Bakken area. And I believe I met with the governor at

5 that time. There was another subsequent visit. I

6 know that Senators Hoeven and Heitkamp also -- I don't

7 recall how many visits.

8 I also saw the governor at the Western

9 Governors Association meetings which were held at

10 least once a year. And we worked on things like the

11 protection of the Sagebrush Sea and the ecosystem

12 associated with the greater sage grouse. So we had

13 multiple opportunities to interact.

14 Q. Sure. The first visit, you said that

15 pertained to oil and gas issues?

16 A. That's my recollection. The memory that

17 I have most vivid was having lunch with him and

18 drawing on a back of a napkin how fracking worked on

19 wells and, you know, what concerns and risks were and

20 also some of the equipment that we've seen out in the

21 field. So, you know, with my background as an

22 engineer in oil and gas, he asked, you know, how this

23 all worked. So I was helping explain that to him.

24 Q. Was that in connection with a regulatory

25 initiative that you were pursuing at the time?

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1 MS. STEINER: Objection; assumes facts

2 not in evidence.

3 Q. (BY MR. SEBY) Ms. Jewell?

4 A. I don't remember a regulatory issue being

5 primary. It was more of a visit to the state to

6 understand the state and the energy activity that was

7 happening there. That was my recollection, but I

8 don't have a complete recollection of the visit. But

9 I do not remember the discussion being regulatory in

10 nature.

11 Q. And then at that time did you talk about

12 the Dakota Access Pipeline at all?

13 MS. STEINER: Objection; vague.

14 A. I don't remember talking about the Dakota

15 Access Pipeline.

16 Q. (BY MR. SEBY) Okay. And then you

17 mentioned seeing the governor with other governors at

18 the meetings of the Western Governors Association.

19 How about any other in-person visits to the state of

20 North Dakota?

21 A. I had a few visits. I don't recall how

22 many. I referenced previously that I had visited the

23 Standing Rock Sioux Tribe I believe twice, once on

24 education, the other when President Obama was there.

25 And I think I only had a meeting with the governor of

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1 North Dakota in North Dakota that one time.

2 And whether it was associated with the

3 visit to the rig or not, I can't specifically recall,

4 but I think we only sat down one on one or whatever --

5 not one on one, but had lunch together and discussed

6 things once that I recall outside of, you know, just

7 interacting at the Western Governors Association

8 meetings.

9 Q. Okay. Then when the DAPL events rolled

10 around, do you recall speaking with the governor by

11 telephone or other means?

12 A. I do recall speaking with the governor by

13 phone.

14 Q. And who initiated that communication?

15 A. I don't recall whether I initiated it or

16 he initiated or somebody else did, but, you know, I

17 did want to speak with him.

18 Q. Sure. Sure. And that call, one of you

19 called the other, and was it a call that had to be

20 arranged or was it a contact that was immediate?

21 A. I don't remember.

22 Q. Okay. And that call was concerning the

23 Dakota Access Pipeline issues?

24 A. Yes. It's concerning the protests and

25 the camp related to the Dakota Access Pipeline

66:25-67:13
FRE 401-402

67:14-23
FRE 401-402

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1 situation.

2 Q. Which camps are you referring to?

3 MS. STEINER: Objection; misstates the

4 evidence.

5 A. There were a growing number of protesters

6 that were well-documented in the media originally

7 camped out on Standing Rock Sioux land. And, you

8 know, as more people arrived there were concerns. And

9 I wanted to discuss with the governor how we handled

10 that in a way that did not escalate the situation.

11 Q. (BY MR. SEBY) And speaking with the

12 governor on that topic, how did that relate to your

13 role as secretary of the interior?

14 MS. STEINER: Objection; vague.

15 A. I mentioned before that I had a

16 relationship with the governor from prior

17 interactions. I was concerned about how the state

18 might react that could inflame tensions, and I felt

19 that my relationship with the governor was such that I

20 could convey that in a respectful and thoughtful way

21 and have a conversation to both listen to his

22 perspective but also share my perspective.

23 Q. (BY MR. SEBY) Sure. And did you feel as

24 though that occurred when you spoke with the governor?

25 MS. STEINER: Objection; vague.

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1 A. I recall having a conversation with him.

2 I feel as though he heard me, but I don't feel that he

3 gave me any conclusions about what he planned to do.

4 So it was a respectful call, but a call that did not

5 have what I expected as an outcome.

6 Q. (BY MR. SEBY) What were your expectations

7 for an outcome?

8 A. I was concerned that a strong and visible

9 response, particularly if it involved the national

10 guard, would inflame tensions, would invoke the

11 well-known tribal/U.S. federal army conflicts of the

12 past, and that to keep the protests peaceful and in

13 line with the First Amendment rights that we should be

14 very careful about those responses because they could

15 escalate actions. So my request to the governor was

16 that any response be very measured so as not to create

17 escalation.

18 Q. Okay. Do you recall when that particular

19 conversation took place?

20 A. I don't recall.

21 Q. And you said you listened to what the

22 governor had to say. Do you recall what that was?

23 A. I recall the governor expressing concerns

24 about highway closures, access, about fears from

25 private property owners. Those were the kinds of

Page 72

1 things that he expressed. And I believe we spoke

2 about law enforcement and I believe -- I don't

3 remember the specifics, but shared the role that we

4 were playing in law enforcement on the reservation as

5 BIA law enforcement officers on scene.

6 Q. And do you recall what the governor asked

7 of you?

8 MS. STEINER: Objection; assumes facts

9 not in evidence.

10 A. I don't remember specific requests. I

11 got the impression the governor just wished the

12 situation would go away.

13 Q. (BY MR. SEBY) Do you recall whether the

14 governor asked you to provide any enhanced federal law

15 enforcement assistance with the protests?

16 MS. STEINER: Objection; vague, assumes

17 facts not in evidence.

18 A. I recall the governor being concerned

19 about escalation and asking for help in preventing

20 that. I don't recall specific requests. Again, I

21 think it was very clear from our conversation that he

22 just wished the situation would go away.

23 Q. (BY MR. SEBY) Which situation are you

24 referring to?

25 A. The protests associated with the Dakota

Page 73

1 Access Pipeline and the escalation of more people

2 arriving.

3 Q. But you don't recall when that

4 conversation took place?

5 A. I don't.

6 Q. Okay.

7 A. There would be record of that at

8 Interior.

9 Q. Yes. Did you make any representations to

10 the governor in terms of what you might do as

11 follow-up to that call?

12 MS. STEINER: Objection; assumes facts.

13 A. I don't recall making, you know, any

14 commitments to the governor. I recall explaining to

15 him, you know, the efforts that we had underway.

16 Q. (BY MR. SEBY) What were those efforts

17 underway that you explained?

18 A. The role of the Department of the

19 Interior in this situation was as law enforcement for

20 the Standing Rock Sioux Reservation. Part of our

21 obligations as the federal government are around

22 safety and security of tribal communities. Tribes can

23 do that themselves or they can rely on the federal

24 government through the Bureau of Indian Affairs, and

25 that was the case here.

72:13-22
Calls for
hearsay,
FRE 801

ND OBJ:
Introduces new
material

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74 to 77

Page 74

1 So the BIA, Bureau of Indian Affairs, law
2 enforcement specific role was to keep people safe on
3 the reservation and the -- that included the camp as
4 it began on the reservation. They provided law
5 enforcement services. And we actually took people
6 from other parts of the BIA and I believe other parts
7 of Interior to help beef up those forces so that the
8 standard law enforcement activities could continue,
9 but also they could uphold the law with the additional
10 surge of people that came that were associated with
11 the protests.

74:12-23
FRE 602

12 Q. Okay. Are you aware of whether the
13 protest camps in mid-August of 2016 and later on for
14 several months occurred on lands other than the
15 Standing Rock Sioux Tribe Reservation?

16 MS. STEINER: Objection; vague, lack of
17 personal knowledge, misstates the evidence.

18 A. I don't know the footprint of the camp or
19 the timing of that footprint. I don't know the
20 landownership. I do know that it began on the
21 reservation and there was a time when it was on Corps
22 land, but I don't know the timeline or the specific
23 landownership.

74:24-75:7
Calls for
hearsay, FRE
611

24 Q. (BY MR. SEBY) Okay. Do you recall the
25 governor explaining to you that protest camps that

Page 75

1 became very large were located on lands managed by the
2 Army Corps of Engineers as part of the Oahe project?

3 MS. STEINER: Objection; assumes facts
4 not in evidence.

5 A. I don't recall the governor speaking to
6 that. It doesn't mean he didn't. I just don't
7 remember.

8 Q. (BY MR. SEBY) Do you know when you first
9 learned that the camps were located on Corps of
10 Engineers property?

11 MS. STEINER: Objection; misstates the
12 evidence.

13 A. I don't remember.

14 Q. (BY MR. SEBY) Do you recall, Ms. Jewell,
15 when the DAPL protesters first became physically
16 present on Corps-managed lands?

17 MS. STEINER: Objection; assumes facts
18 not in evidence.

19 A. I don't know.

20 Q. (BY MR. SEBY) Do you recall from whom you
21 first learned that that was the case?

22 MS. STEINER: Objection; vague, assumes
23 facts not in evidence.

24 A. I don't recall who told me who the owners
25 were of the land that the camp was on or when or

Page 76

1 anything. I didn't have that kind of information,
2 that detailed information.

3 Q. (BY MR. SEBY) Did you ever -- do you ever
4 recall obtaining that information?

5 MS. STEINER: Objection; asked and
6 answered.

7 A. I don't know the landownership or the
8 location of the camps. I don't know.

9 Q. (BY MR. SEBY) Through the period of the
10 protests that was the case or just it's foggy at the
11 beginning, or was that your understanding for the rest
12 of your tenure?

13 MS. STEINER: Objection; compound, asked
14 and answered.

15 A. I know it started on the reservation. I
16 know it migrated to land that included Corps land.
17 There could have been private lands. It is not clear
18 to me where I got the information. I certainly was
19 reading press accounts at the time and my staff was
20 informing me along the way, but you're asking for
21 specific dates and where the camp was located and I
22 cannot answer those kinds of questions. I don't know.

23 Q. (BY MR. SEBY) I understand. I
24 understand. From all of that, is it fair to say that
25 you know that the camp protests started on Standing

76:23-
77:12
FRE
602,
611

Page 77

1 Rock Sioux Tribe Reservation land and that it later
2 migrated to Corps land? Is that a fair understanding
3 of what you said?

4 MS. STEINER: Objection; misstates the
5 evidence.

6 Q. (BY MR. SEBY) Ms. Jewell?

7 A. It's not a fair characterization because
8 I assume it also remained on tribal land. I don't
9 know the footprints of the camp, whether it expanded,
10 whether it moved, what the ownership was underneath
11 the camp's footprint. So I stand with what I've said
12 before.

13 Q. Okay. All right. But you do know that
14 it migrated onto -- perhaps not exclusively, but
15 migrated onto Corps of Engineers property?

16 MS. STEINER: Objection; misstates the
17 evidence, asked and answered.

18 A. I stand by what I've said before.

19 Q. (BY MR. SEBY) All right. What
20 significant DAPL protest events do you recall?

21 MS. STEINER: Objection; vague.

22 Q. (BY MR. SEBY) Ms. Jewell?

23 A. I'm thinking.

24 Q. Sure. Take your time. I just wanted to
25 make sure that you understood my question.

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78 to 81

<p style="text-align: right;">Page 78</p> <p>1 A. You asked what DAPL protest information I 2 recall; is that correct?</p> <p>3 Q. Let me rephrase it. What stands out in 4 your mind today, 2022, from your memory of that time 5 period? What stands out in your mind regarding the 6 DAPL protests?</p> <p>7 MS. STEINER: Objection; vague.</p> <p>8 A. What stands out in my mind is that this 9 was a largely peaceful protest of what began to be a 10 tribe raising awareness of its rights. And I thought 11 that it began as a very good illustration of our 12 country's commitment to First Amendment rights and 13 freedom of speech and the ability of people to convey 14 their feelings. So that's my memory of, you know, 15 what stands out in my mind associated with this.</p> <p>16 I will say that over time it got much 17 larger and I believe that there were other interests 18 that came to gain visibility for their causes. And 19 that became difficult for the tribe to handle. I 20 think that what they intended to do was raise 21 awareness of their rights, and I think that they did 22 that through their First Amendment rights at the 23 beginning as conveying their position as protectors of 24 their water supply.</p> <p>25 Q. (BY MR. SEBY) The comment you made about</p>	<p style="text-align: right;">Page 80</p> <p>1 situation to gain attention to a cause that they cared 2 about that may be different than what the tribe cared 3 about.</p> <p>4 The tribe's objection and concern related 5 to the Dakota Access Pipeline passing under their 6 water supply and impacting their sacred sites. That 7 was the tribe's concern and that was the purpose of 8 the people who protested to begin with. I think there 9 were others that had other agendas, and this was a 10 large audience.</p> <p>11 And so I don't know who all those groups 12 were, but I just sense from the news media and so on 13 that people were there that didn't necessarily align 14 fully with what the tribe's interests were. And that 15 was -- you know, there were people there that, you 16 know, were there perhaps for other reasons to gain 17 attention to causes that they cared about.</p> <p>18 Q. What other agendas and interests that 19 they cared about different than the Standing Rock 20 Sioux Tribe's interests are you aware of and referring 21 to?</p> <p>22 MS. STEINER: Objection; lack of personal 23 knowledge, calls for speculation.</p> <p>24 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>25 A. It does call for speculation. I don't</p>
<p style="text-align: right;">Page 79</p> <p>1 the protests got much larger and other interests came 2 to gain visibility for causes, who are you referring 3 to?</p> <p>4 MS. STEINER: Objection; vague.</p> <p>5 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>6 A. Over the course of time, I recall 7 concerns being expressed by the tribe about the number 8 of people and the ability to continue to draw 9 attention to their primary efforts, which were the 10 safety and security of their water supply and tribal 11 consultation.</p> <p>12 You know, news media reports were pretty 13 clear that there were celebrities involved. There 14 were others that in some ways, I think, weren't 15 necessarily fully in understanding of the original 16 purpose that the tribal members had for conveying 17 their concerns about the pipeline and its location.</p> <p>18 Q. And what "others" are you referring to? 19 What other interests are you -- do you have any in 20 mind that you've been referring to?</p> <p>21 A. I think that there were -- I don't have 22 specific groups. Okay. I don't know who-all was 23 there. I don't know who-all they represented. So I'm 24 providing my own assessment of the situation which 25 were, there were some there that were using that</p>	<p style="text-align: right;">Page 81</p> <p>1 know who-all was there. I do know from talking to my 2 team, who was in touch with Chairman Archambault and 3 others, that there were people there that, you know, 4 were not associated with the tribe and didn't 5 necessarily understand the tribe's interests, but what 6 they were advocating for, I can't speak to.</p> <p>7 Q. All right. And is it accurate that all 8 of your understandings about those things stemmed from 9 reports you were provided by your staff and your team?</p> <p>10 MS. STEINER: Objection; misstates the 11 evidence.</p> <p>12 A. My team was an important source of 13 knowledge for me, but also I was reading the news 14 media. So, you know, I can't remember specifically 15 what came from a meeting with a staff member, what 16 came from, you know, a briefing memo, what came from 17 reading news accounts; but certainly this was front 18 and center in the news on a regular basis. So I was 19 following it closely.</p> <p>20 Q. (BY MR. SEBY) Were you ever provided with 21 any manner of information, briefings, reports by the 22 United States Department of Justice?</p> <p>23 MS. STEINER: Objection; vague, compound.</p> <p>24 A. I don't recall anything, you know, one 25 way or the other that I might have had from the</p>

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82 to 85

<p style="text-align: right;">Page 82</p> <p>1 Department of Justice. Nothing sticks out in my 2 memory.</p> <p>3 Q. (BY MR. SEBY) Do you recall ever having 4 any briefings on the camps by the Federal Bureau of 5 Investigation?</p> <p>6 A. I don't recall getting a briefing from 7 the FBI, no.</p> <p>8 Q. Do you recall receiving any manner of 9 briefings about the camps from any other federal law 10 enforcement authority or agency?</p> <p>11 A. I did have conversations with Darren 12 Cruzan, who was the head of the Bureau of Indian 13 Affairs law enforcement, and actually physically was 14 present to help oversee the command structure there. 15 He and others in law enforcement would have known what 16 other collaborations with agencies they would have 17 had, but I would have relied on them to have those 18 kinds of interactions. And I do not recall having any 19 conversations with law enforcement beyond with 20 Mr. Cruzan.</p> <p>21 Q. Okay. Did Mr. Cruzan ever point out the 22 limitations on his law enforcement abilities in terms 23 of geographic locations?</p> <p>24 MS. STEINER: Objection; assumes facts 25 not in evidence.</p>	<p style="text-align: right;">Page 84</p> <p>1 for additional law enforcement resources?</p> <p>2 MS. STEINER: Objection; vague.</p> <p>3 A. I don't remember whether a request like 4 that would have required my approval. So I don't 5 remember.</p> <p>6 Q. (BY MR. SEBY) Do you ever recall being 7 asked or discussed -- the topic being asked of you or 8 discussed with you?</p> <p>9 MS. STEINER: Objection; vague, compound.</p> <p>10 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>11 A. The topic of?</p> <p>12 Q. Of additional Federal Bureau of Indian 13 Affairs law enforcement resources.</p> <p>14 MS. STEINER: Objection; vague.</p> <p>15 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>16 A. I stand by what I said before. There 17 were concerns about our ability to carry out our law 18 enforcement mission across Indian country with the 19 surge of people that were needed to address the 20 situation at Standing Rock. I don't remember 21 specifically, but I believe we had law enforcement 22 resources that came from other entities of the 23 Department of the Interior to help with the situation. 24 And so there was a concerted effort 25 across the department to be supportive of this unusual</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>2 A. Mr. Cruzan was committed to ensuring that 3 they were carrying out their responsibilities for law 4 enforcement for the Standing Rock Sioux Tribe. And 5 we, as I referenced before, were taking law 6 enforcement resources from other parts of the 7 Department of the Interior and the BIA because of the 8 additional activities going on at Standing Rock.</p> <p>9 And so he certainly conveyed that he had 10 a balancing act to try and ensure that there 11 weren't -- we weren't shorting areas elsewhere within 12 his responsibility or elsewhere within the Department 13 of the Interior as a result of this. So it was a 14 difficult time to accomplish their safety mission with 15 the additional number of people that were present on 16 the reservation and the impact to the reservation 17 itself.</p> <p>18 Q. Do you recall how many Bureau of Indian 19 Affairs law enforcement agents were present on the 20 Standing Rock Sioux Tribe Reservation during the 21 protests?</p> <p>22 A. I don't recall a number. I believe the 23 number was shared with me. I just don't remember what 24 it is.</p> <p>25 Q. Were you ever asked to approve a request</p>	<p style="text-align: right;">Page 85</p> <p>1 situation, but not to the degree that it put other 2 entities at risk, particularly as it related to 3 safety. So it was a difficult situation and I relied 4 on my team to manage their resources as effectively as 5 they could given the circumstances, but I think it is 6 fair to say that BIA law enforcement was stretched 7 thin during that time because of the additional 8 demands that were placed on them.</p> <p>9 Q. And which other parts of the Department 10 of Interior as a whole did you draw upon other law 11 enforcement resources to devote to the Standing Rock 12 Sioux Tribe or Dakota Access Pipeline protests?</p> <p>13 MS. STEINER: Objection; compound, 14 assumes facts not in evidence.</p> <p>15 A. I did not personally draw any. I 16 remember, as I expressed, that I believed other 17 agencies of Interior may have been deployed to help, 18 but I don't have a specific recollection of which 19 agencies those would have been or how many people 20 would have been involved. Probably the best answer is 21 I don't know.</p> <p>22 Q. (BY MR. SEBY) Okay. And when do you 23 recall that diversion of additional resources 24 generally occurred?</p> <p>25 MS. STEINER: Objection; misstates the</p>

<p style="text-align: right;">Page 86</p> <p>1 evidence.</p> <p>2 A. I don't know specific dates when there</p> <p>3 were additional people coming to Standing Rock. There</p> <p>4 were -- you know, we worked with the tribe to provide</p> <p>5 an effective law enforcement response. I don't know</p> <p>6 what the staffing levels were at what points in time</p> <p>7 at all. That would be detail that I would have relied</p> <p>8 on others to piece out.</p> <p>9 Q. (BY MR. SEBY) Do you agree with me that</p> <p>10 at some time you were aware that the Corps of</p> <p>11 Engineers property became the location where</p> <p>12 protesters camped?</p> <p>13 MS. STEINER: Objection; lack of personal</p> <p>14 knowledge, misstates the evidence.</p> <p>15 A. I've said on a number of occasions that I</p> <p>16 didn't know the ownership of the footprint of the</p> <p>17 camp, nor where it was over time. I am aware that at</p> <p>18 some point there were people camped on Corps land, but</p> <p>19 we've talked about this before and I don't really have</p> <p>20 anything else to add beyond what I've already</p> <p>21 conveyed. That's as much as I know.</p> <p>22 Q. (BY MR. SEBY) Do you know why Dakota</p> <p>23 Access Pipeline protesters chose to go onto Corps of</p> <p>24 Engineers land?</p> <p>25 MS. STEINER: Objection; calls for</p>	<p style="text-align: right;">Page 88</p> <p>1 MS. STEINER: Objection; lack of personal</p> <p>2 knowledge, misstates the evidence, asked and answered.</p> <p>3 Q. (BY MR. SEBY) You don't know?</p> <p>4 A. I don't know.</p> <p>5 Q. Okay.</p> <p>6 A. I told you multiple times I don't know</p> <p>7 the footprint of the camps. I don't know why they</p> <p>8 moved. I can't speak for the protesters.</p> <p>9 Q. Okay. I was asking relative to the</p> <p>10 Cannonball River.</p> <p>11 A. No, I don't know.</p> <p>12 Q. Okay. Thank you. Did you ever believe</p> <p>13 that Standing Rock Sioux Tribe Chairman Archambault</p> <p>14 was publicly calling for people to come to North</p> <p>15 Dakota to protest against the Dakota Access Pipeline?</p> <p>16 MS. STEINER: Objection; misstates the</p> <p>17 evidence, lack of personal knowledge.</p> <p>18 A. I don't know. I don't recall him doing</p> <p>19 that.</p> <p>20 Q. (BY MR. SEBY) You mentioned having an</p> <p>21 interaction of some kind with Chairman Archambault.</p> <p>22 Could you tell us what your role was working with</p> <p>23 Chairman Archambault or other Standing Rock Sioux</p> <p>24 Tribe representatives, including legal counsel, once</p> <p>25 the protests began?</p>
<p style="text-align: right;">Page 87</p> <p>1 speculation, lack of personal knowledge.</p> <p>2 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>3 A. I don't know. You're asking me to state</p> <p>4 what's in the mind of a protester, and I don't know.</p> <p>5 Q. Do you have any ideas or thoughts on why</p> <p>6 those protesters did not set up protest camps on</p> <p>7 private property?</p> <p>8 MS. STEINER: Objection; calls for</p> <p>9 speculation, lack of personal knowledge.</p> <p>10 A. I don't know.</p> <p>11 Q. (BY MR. SEBY) Do you have any thoughts on</p> <p>12 why DAPL protesters did not confine their protest</p> <p>13 camps to the Standing Rock Sioux Tribe Reservation?</p> <p>14 MS. STEINER: Objection; calls for</p> <p>15 speculation, lack of personal knowledge, misstates the</p> <p>16 evidence.</p> <p>17 A. I don't know.</p> <p>18 Q. (BY MR. SEBY) Are you aware of which</p> <p>19 protest camps were established on Corps of Engineers</p> <p>20 land south of the Cannonball River?</p> <p>21 MS. STEINER: Objection; lack of personal</p> <p>22 knowledge, asked and answered, misstates the evidence.</p> <p>23 A. No, I don't know.</p> <p>24 Q. (BY MR. SEBY) How about north of the</p> <p>25 Cannonball River on Army Corps of Engineers land?</p>	<p style="text-align: right;">Page 89</p> <p>1 MS. STEINER: Objection; vague, compound.</p> <p>2 A. Could you please ask that again? Is it</p> <p>3 just specific to DAPL and time frame? If you could</p> <p>4 rephrase it that way, because you began by saying my</p> <p>5 interactions with the chairman, which I thought you</p> <p>6 meant over time. So if you could restate that with</p> <p>7 specifically what you'd like me to answer, that would</p> <p>8 be helpful.</p> <p>9 Q. (BY MR. SEBY) Certainly. The question</p> <p>10 is, with respect to the time frame, let's say, March</p> <p>11 of 2016 through the completion of your tenure as</p> <p>12 secretary of the interior, describe the nature of your</p> <p>13 interactions with Chairman Archambault or his</p> <p>14 representatives.</p> <p>15 MS. STEINER: Objection; vague.</p> <p>16 A. I do not recall the time frame of</p> <p>17 conversations that I had with Chairman Archambault.</p> <p>18 And I do know that he expressed concerns, as I believe</p> <p>19 I have shared earlier, about the impact of the Dakota</p> <p>20 Access Pipeline on sacred sites that were technically</p> <p>21 off reservation but part of their ancestral homelands</p> <p>22 and the concern about the pipelines crossing of the</p> <p>23 Oahe River.</p> <p>24 He did express that to me. I don't</p> <p>25 remember the time frame of that, whether it was just</p>

ND OBJ:
Hearsay

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1 in 2016 or before or when. I just don't remember
2 that. I do not recall having conversations with
3 anybody else from the tribe other than Chairman
4 Archambault as it relates to this time frame or the
5 Dakota Access Pipeline specifically.

6 Q. (BY MR. SEBY) Do you recall speaking with
7 legal counsel for the Standing Rock Sioux Tribe?

8 MS. STEINER: Objection; vague.

9 A. As I just said, the only person I
10 remember speaking to from the tribe was
11 Chairman Archambault.

12 Q. (BY MR. SEBY) Okay.

13 A. And I don't know if it was in the time
14 frame that you suggested before.

15 Q. Right. Is it your testimony that you had
16 no communications of any kind directly with Chairman
17 Archambault during the course of the Dakota Access
18 Pipeline protests?

19 MS. STEINER: Objection; misstates the
20 evidence.

21 A. And the answer is no, that's not what I
22 said. I said that Chairman Archambault did speak with
23 me about concerns about crossing sacred sites and not
24 having appropriate tribal consultation and concerns
25 about the pipeline crossing their water supply. I

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1 don't remember specifically the time frame of my
2 conversation with Chairman Archambault. And I also
3 stated that I don't recall speaking with anyone else
4 from the tribe on this matter.

5 Q. (BY MR. SEBY) Okay. But the question was
6 during the course of the Dakota Access Pipeline
7 protests, did you have any such communications with
8 the chairman or his representatives?

9 MS. STEINER: Objection; vague, asked and
10 answered.

11 Q. (BY MR. SEBY) And I won't ask you again,
12 but that was the question.

13 A. Well, actually, I believe your question
14 before was going back to March of 2016, but your
15 restated question just now spoke about the time during
16 the protests at Standing Rock. So if you could help
17 me understand specifically what you're asking again, I
18 will do my best to answer it again.

19 Q. Well, they're the same thing. I asked it
20 a different way to try and clarify it for you. And so
21 I'll try again. And the question is -- the question
22 is, do you recall having any -- you personally having
23 any manner of communication with Chairman Archambault
24 or his representatives during the course of the
25 protests against the DAPL pipeline while you were

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1 secretary of the interior?

2 MS. STEINER: Objection; vague, asked and
3 answered.

4 A. I do not remember the timing of the
5 conversation I had with Chairman Archambault about his
6 concerns on tribal consultation and the crossing of
7 Lake Oahe. I don't remember whether that was after
8 the protests began or before. I'm assuming it was
9 2016, but I just don't remember the timing. And as I
10 stated before, I only recall having a conversation
11 with Chairman Archambault and no one else from the
12 tribe. That is my recollection.

13 Q. (BY MR. SEBY) All right. Thank you. Did
14 you instead delegate the communications with the tribe
15 and its representatives to your staff?

16 MS. STEINER: Objection; vague, assumes
17 facts not in evidence.

18 A. I relied on my staff to do their jobs. I
19 trusted that they would do their jobs well. I did not
20 direct them to contact people. They would -- I
21 trusted their judgment on knowing how to be engaged in
22 order to do their jobs effectively, and I expected
23 them to keep me informed to the extent that they felt
24 it was necessary to do so. And I believe they carried
25 out those duties very well.

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1 Q. (BY MR. SEBY) Are you aware of whether
2 your staff on their own volition, then, was in
3 communication with Chairman Archambault and his
4 representatives?

5 MS. STEINER: Objection; lack of personal
6 knowledge.

7 A. I recall that they reported on occasional
8 conversations with Chairman Archambault. Beyond that,
9 I don't know who else they may have been speaking with
10 over the course of the pipeline protests.

11 Q. (BY MR. SEBY) Okay. Do you recall
12 allowing your conference room in the secretary's
13 office at the Department of the Interior in
14 Washington, D.C., to be used to host Standing Rock
15 Sioux Tribe representatives, including its legal
16 counsel, to meet with your staff?

17 MS. STEINER: Objection; assumes facts
18 not in evidence.

19 A. What you're calling my conference room
20 was a large conference room in the secretary's office
21 area. It was used for many meetings. And I was
22 generally not aware of who was meeting in that room or
23 the purpose of those meetings.

24 I only used it when the capacity of the
25 conference table in my office was insufficient, and

93:1-10
Calls for
hearsay,
FRE
801; 602

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94 to 97

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1 that was not that often. So it was a conference room.
2 What you're calling the secretary's conference room
3 was a conference room that was close to my office.
4 Q. (BY MR. SEBY) Okay. Ms. Jewell, are you
5 aware of whether the United States has ever delegated
6 responsibility for the use or management of the Corps
7 of Engineers Oahe project to any other party?
8 MS. STEINER: Objection; vague.
9 Objection to the extent it calls for a legal
10 conclusion. Objection; lack of personal knowledge.
11 A. I don't know what you're talking about.
12 I'm sorry.
13 Q. (BY MR. SEBY) The question was, are you
14 aware of whether the United States has delegated the
15 responsibility for determining the use and management
16 of Corps of Engineers project lands known as the Oahe
17 project --
18 MS. STEINER: Same objection.
19 Q. (BY MR. SEBY) -- to any other party --
20 MS. STEINER: Same objection.
21 Q. (BY MR. SEBY) -- outside the United
22 States government?
23 MR. SEBY: I'm sorry. Ms. Steiner, let
24 me finish my question.
25 A. I'm not aware of the circumstances around

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1 the Army Corps and Lake Oahe and delegation of
2 authorities. I don't know what you're talking about.
3 Q. (BY MR. SEBY) Okay. Are you aware of
4 whether the Corps of Engineers -- officials with the
5 Corps of Engineers referred to the Dakota Access
6 Pipeline protesters located on Corps of Engineers land
7 in August as being trespassers?
8 MS. STEINER: Objection; assumes facts
9 not in evidence, lack of personal knowledge.
10 A. I don't know.
11 Q. (BY MR. SEBY) Are you aware of whether or
12 not Corps officials referred to DAPL protesters on
13 Corps land in September as trespassers?
14 MS. STEINER: Objection.
15 MR. SEBY: Excuse me, Ms. Steiner.
16 Q. (BY MR. SEBY) These months, of course,
17 are in 2016.
18 MS. STEINER: Objection; assumes facts
19 not in evidence, lack of personal knowledge.
20 A. I don't know what the Corps -- what terms
21 the Corps used.
22 Q. (BY MR. SEBY) How about in the months of
23 October of 2016?
24 MS. STEINER: Same objections.
25 A. Same answers.

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1 Q. (BY MR. SEBY) All right. Do you recall
2 receiving regular status reports regarding the DAPL
3 protesters' occupation of Corps land?
4 MS. STEINER: Objection; assumes facts
5 not in evidence, lack of personal knowledge.
6 A. I remember regular reports on the size
7 and nature of the protests. I don't recall
8 specifically discussions about where those protests
9 were. As I've stated previously, my information comes
10 not only from briefings, but also reading what I've
11 read in the newspaper. So I don't recall
12 specifically, you know, where they were and so on.
13 Q. (BY MR. SEBY) Did your knowledge and
14 understanding of the protests include information
15 provided by the State of North Dakota?
16 MS. STEINER: Objection; vague.
17 A. No. I'm not aware.
18 Q. (BY MR. SEBY) You're not aware of whether
19 or not you were provided with any information on the
20 protests by the State of North Dakota?
21 MS. STEINER: Objection; vague, asked and
22 answered.
23 A. I discussed previously my conversation
24 with the governor. Is that what you're referring to?
25 Q. (BY MR. SEBY) I asked about the State of

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1 North Dakota as the entity. And if your answer is
2 just the governor, I'd understand. I just don't know
3 if that's the case.
4 A. I'm sorry. Would you please ask it
5 again. I'm just getting a little confused.
6 Q. Yeah. I'm glad to make sure it's clear.
7 Did your knowledge and understanding of the protests,
8 such as it was, include receiving information provide
9 by the State of North Dakota?
10 MS. STEINER: Objection; vague, asked and
11 answered.
12 A. My only recollection of a direct
13 interaction with the State of North Dakota was the
14 conversation I previously discussed with the governor.
15 Doesn't mean I didn't receive other information.
16 That's all I can remember. I will say that I did also
17 speak with Senator Hoeven. He would be, you know, a
18 representative through his position as a senator, but
19 he wasn't the State of North Dakota per se.
20 Q. (BY MR. SEBY) Sure. And what do you
21 recall learning or hearing from Senator Hoeven?
22 A. My recollection of my conversation with
23 Senator Hoeven was quite similar and I believe in the
24 same time frame as my conversation with the governor.
25 It was around the senator wishing the situation would

95:11-21
FRE 602,
Calls for
hearsay, 801

97:6-19
Calls for
hearsay,
801

97:20-98:4
FRE 801

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98 to 101

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1 go away, which I certainly understand, also my request
2 that they not escalate the situation by using caution
3 in terms of the nature of their response because I
4 thought it might inflame tensions.

5 Q. Do you ever recall yourself asking or
6 directing your staff to ask for information and
7 intelligence from the State of North Dakota for which
8 you were not provided?

9 MS. STEINER: Objection; vague, compound.

10 A. I don't recall.

11 Q. (BY MR. SEBY) Ms. Jewell, do you recall
12 receiving reports or briefings on the DAPL protests
13 from the company developing the pipeline?

14 A. I don't remember.

15 Q. How about from any tribes? If you'd
16 like, I can ask the question again.

17 A. Yeah, please ask the question again.

18 Q. Sure. Do you ever recall receiving any
19 reports or briefings on the DAPL protests from any
20 tribe?

21 MS. STEINER: Objection; vague.

22 A. I have previously expressed that I had a
23 conversation somewhere along the way with
24 Chairman Archambault. I don't recall what kind of
25 other information we would have received from the

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1 tribe. That would have generally gone to others. Are
2 you referring to tribes beyond Standing Rock?

3 Q. (BY MR. SEBY) Yes. I said "any tribe."

4 A. I don't recall tribes other than Standing
5 Rock, and I've stated previously what my interactions
6 were with the tribe in that regard.

7 Q. Ms. Jewell, do you recall when you were
8 first advised that certain DAPL protesters were
9 violent?

10 MS. STEINER: Objection; assumes facts
11 not in evidence, lack of personal knowledge, misstates
12 the evidence.

13 Q. (BY MR. SEBY) Ms. Jewell?

14 A. I don't recall timing and I do recall
15 that there was an escalation in behaviors. I also
16 recall, I think, an interaction with private security
17 and dogs that inflamed some tensions, but I don't
18 remember the timing or how I was informed. I believe
19 it would have been from my staff, but I don't remember
20 the timing.

21 Q. Okay. Are you aware of whether or not
22 protesters on Corps of Engineers land used that
23 property to organize and prepare for leaving the camps
24 to conduct travel to private property located nearby?

25 MS. STEINER: Objection; misstates the

Page 100

1 evidence.

2 A. As I've stated before, I don't know the
3 footprint of the land that people were on, nor do I
4 know what their -- the reasons were for their actions
5 or their intents.

6 Q. (BY MR. SEBY) Are you aware, then,
7 whether or not protesters on Corps of Engineers
8 property left that property to conduct protests
9 elsewhere?

10 MS. STEINER: Objection; misstates the
11 evidence, calls for speculation, lack of personal
12 knowledge.

13 A. I don't know where they were and where
14 they went to. I know that there was an escalation in
15 tensions. I know there was some vandalism associated
16 with cutting fences and equipment. I don't know what
17 the footprint of the land was, nor do I know the
18 intent of the people that were involved.

19 Q. (BY MR. SEBY) Ms. Jewell, do you know how
20 long protesters were present on Corps of
21 Engineers-managed property?

22 MS. STEINER: Objection; misstates the
23 evidence, lack of personal knowledge, asked and
24 answered.

25 A. You keep asking me about on Corps

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1 property, and I keep answering that I don't know where
2 the camp was specifically located during what times,
3 including private property.

4 Q. (BY MR. SEBY) Okay.

5 A. With that as a backdrop, I know that
6 there -- that the camp was there into the beginning of
7 the winter months and that there was concerns about
8 personal safety associated with winter weather and
9 also later on associated with flooding. So that is my
10 recollection.

11 Q. Do you recall ever knowing property
12 locations?

13 MS. STEINER: Objection; vague, asked and
14 answered.

15 A. Can you help me understand what you mean
16 by "property locations."

17 Q. (BY MR. SEBY) Well, we're going to look
18 at some documents here in a moment, but I wanted to
19 ask you generally before we do that, do you know where
20 the camps were, and you said you don't. You heard
21 that some was on Corps land, and I understand that.
22 And you don't know where private property was and you
23 don't know where public property was, but you do know
24 that you expressed concern to the governor of the
25 state of North Dakota and the United States senator

99:21-100:5
FRE 692, 611

100:6-18
FRE 602

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102 to 105

101:17-103:20
FRE 401-402;
602; 611; 801

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1 representing North Dakota that the state should not do
2 anything to escalate.
3 So within that context, I'm just trying
4 to understand where you think the state interests were
5 and where you think the tribal interests were relative
6 to the Corps of Engineers' decision of whether or not
7 to grant approval for the pipeline to cross the river.
8 And if your answer remains that you don't know, that's
9 fine. That's your testimony.
10 I'm just asking, do you ever believe at
11 one time you knew or not where the property locations
12 that are relevant here to these questions were?
13 MS. STEINER: Objection; vague, compound,
14 lack of personal knowledge, misstates the evidence.
15 A. I know the protests began on tribal land.
16 I know it migrated from there to land that included
17 Corps land. I recall that there were some concerns
18 about trespass on private land. I also know there
19 were nervous neighbors on private land because of the
20 protesters in close proximity.
21 When I spoke with the governor, I believe
22 his concerns were about access and that was something
23 that he was hearing from property owners, because I
24 believe the highway was closed. I don't remember.
25 This is a little bit fuzzy. And I think that private

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1 property owners were basically asking for them to get
2 the situation to go away. That is the nature of my
3 recollection.
4 You keep pressing me on Corps land,
5 private land, Standing Rock land. I don't know
6 specifically where the camps were at what point in
7 time. I don't know if the camps were ever on private
8 land. I do know that there were people that
9 infiltrated the camp that were, you know, not
10 protesters.
11 And I know that there was some property
12 damage done by people. And I don't know who the
13 underlying landowner was, but I mentioned fences cut,
14 equipment damaged. I remember those things. So that
15 is the summary of what I recall.
16 Your sort of line of questioning, I'm
17 trying to be cooperative, but I don't really
18 understand what you're trying to get at or whether
19 there's something you're trying to get me to say
20 beyond what I've already said.
21 Q. (BY MR. SEBY) I'm just asking questions
22 to understand what you know and what you don't know.
23 I'm not trying to get you to go anywhere other than
24 what you understand to be the state of your knowledge.
25 I'm not leading you anywhere --

ND OBJ:
Introduces new
material

Page 104

1 A. I believe I've given you a complete
2 understanding of what I recall of the situation. I
3 don't recall maps showing property ownership, camp
4 location. Doesn't mean they didn't exist. I just
5 don't recall them.
6 Q. I understand. Thank you. And from that
7 I appreciate that you have said you did have at least
8 some understanding that the protests migrated onto
9 Corps land?
10 MS. STEINER: Objection; misstates the
11 evidence.
12 Q. (BY MR. SEBY) Ms. Jewell, did you or did
13 you not say that?
14 A. I said I understand that elements of the
15 protest migrated onto Corps land. I don't know the
16 nature of that, whether they were camps or what they
17 were.
18 Q. Okay. Based upon that understanding, did
19 you have a role in the decision to allow those
20 protesters to remain on Corps property?
21 MS. STEINER: Objection; assumes facts
22 not in evidence, lack of personal knowledge.
23 A. I don't remember, you know, providing any
24 permissions or anything else. I can't even quite
25 remember what your question is.

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1 Q. (BY MR. SEBY) Okay. Let's ask -- talk
2 about some related topics. Will you agree with me
3 that the Department of Interior was involved in the
4 Corps of Engineers' consideration of an application
5 for a special use permit submitted to the Corps by the
6 Standing Rock Sioux Tribe?
7 MS. STEINER: Objection; assumes facts
8 not in evidence, lack of personal knowledge.
9 Q. (BY MR. SEBY) Ms. Jewell?
10 A. Could you repeat the question again? It
11 was pretty specific.
12 Q. Sure. Do you recall when you first
13 learned or were made aware that the Standing Rock
14 Sioux Tribe submitted an application for a special use
15 permit to use and occupy Corps of Engineers land?
16 MS. STEINER: Objection; assumes facts
17 not in evidence, lack of personal knowledge.
18 A. I don't recall.
19 Q. (BY MR. SEBY) You don't recall first
20 learning when they submitted the application or you
21 don't recall knowing about that at all?
22 MS. STEINER: Objection; assumes facts
23 not in evidence, lack of personal knowledge.
24 A. I don't recall a special use permit
25 application. It's a level of detail that I -- you

ND OBJ:
Relevance;
Introduces new
material

<p style="text-align: right;">Page 106</p> <p>1 know, a process that I wouldn't have been aware of. I</p> <p>2 don't remember what was happening specifically during</p> <p>3 that time.</p> <p>4 Q. (BY MR. SEBY) Okay.</p> <p>5 A. Especially between the Corps and the</p> <p>6 tribe.</p> <p>7 Q. Okay. So no sense in talking about</p> <p>8 anything to do with the special use permit because you</p> <p>9 just were totally unaware of it?</p> <p>10 MS. STEINER: Objection; misstates the</p> <p>11 evidence, asked and answered, lack of personal</p> <p>12 knowledge.</p> <p>13 A. I said I don't recall. So, yes, I think</p> <p>14 it's not worth you going into detail on a special use</p> <p>15 permit that I don't recall.</p> <p>16 Q. (BY MR. SEBY) Okay. Do you recall</p> <p>17 whether or not your staff participated in the Corps'</p> <p>18 consideration of the special use permit application?</p> <p>19 MS. STEINER: Objection; assumes facts</p> <p>20 not evidence, lack of personal knowledge.</p> <p>21 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>22 A. As I stated before, I don't recall the</p> <p>23 process or a process or whether there was a process</p> <p>24 around a special use permit. I would have relied on</p> <p>25 my staff if it is the sort of thing that the</p>	<p style="text-align: right;">Page 108</p> <p>1 MR. SEBY: Why don't we talk a break now,</p> <p>2 if that sounds amenable to you as well.</p> <p>3 THE DEPONENT: That would be fine.</p> <p>4 MR. SEBY: We'll reconvene in ten</p> <p>5 minutes.</p> <p>6 THE DEPONENT: Sounds good.</p> <p>7 MR. SEBY: Thank you.</p> <p>8 THE DEPONENT: Thank you.</p> <p>9 THE VIDEOGRAPHER: Going off the record.</p> <p>10 The time is 5:15 p.m. UTC, 11:15 a.m. Mountain.</p> <p>11 (Recess taken, 11:15 a.m. to 11:29 a.m.)</p> <p>12 THE VIDEOGRAPHER: We are back on the</p> <p>13 record. The time is 5:29 p.m. UTC, 11:29 a.m.</p> <p>14 Mountain.</p> <p>15 Q. (BY MR. SEBY) Ms. Jewell, we're back from</p> <p>16 a short break. And I was asking you some questions</p> <p>17 about the Army Corps of Engineers special use permit</p> <p>18 process that the Standing Rock Sioux Tribe sought.</p> <p>19 And I was just asking whether or not you were aware of</p> <p>20 the department's involvement in that process. And I'm</p> <p>21 not asking you -- re-asking you any questions that</p> <p>22 we've already covered, but I do want to just ask one</p> <p>23 question. That is, do you recall whether or not the</p> <p>24 Department of Interior ever, quote, gave a greenlight</p> <p>25 to the Corps to provide such a permit to the Standing</p>
<p style="text-align: right;">Page 107</p> <p>1 Department of the Interior, you know, would have been</p> <p>2 asked to weigh in on. And I would have left that to</p> <p>3 my teammates like, you know, my chief of staff Tommy</p> <p>4 Beaudreau and the head of Indian Affairs, Larry</p> <p>5 Roberts.</p> <p>6 Q. Are you aware of any other, apart from</p> <p>7 DAPL, instances where the Department of Interior was</p> <p>8 either asked to participate or inserted itself in a</p> <p>9 Corps of Engineers special use permit?</p> <p>10 MS. STEINER: Objection; assumes facts</p> <p>11 not in evidence, lack of personal knowledge, vague.</p> <p>12 A. I don't know enough about the special use</p> <p>13 permit process to be able to answer that question. So</p> <p>14 I know, as I mentioned previously, we did work with</p> <p>15 the Army Corps of Engineers in a number of places,</p> <p>16 largely at the intersection of habitat and wildlife.</p> <p>17 Whether that would have involved a special use permit</p> <p>18 or whether we would have engaged in that, I do not</p> <p>19 have any knowledge.</p> <p>20 MS. STEINER: Paul, I believe we've been</p> <p>21 going for over an hour. Whenever would be convenient</p> <p>22 to take a break, if Ms. Jewell would like one.</p> <p>23 MR. SEBY: Sure. Ms. Jewell, you're on</p> <p>24 the Pacific time zone?</p> <p>25 THE DEPONENT: I am.</p>	<p style="text-align: right;">Page 109</p> <p>1 Rock Sioux Tribe on September 16, 2016?</p> <p>2 MS. STEINER: Objection; assumes facts</p> <p>3 not in evidence, lack of personal knowledge.</p> <p>4 A. I don't recall, as I stated before our</p> <p>5 break. Is there something -- you were just looking at</p> <p>6 a document then. Is there something you want to share</p> <p>7 that might help refresh my memory? Because I don't</p> <p>8 remember.</p> <p>9 Q. (BY MR. SEBY) I'm looking at my attorney</p> <p>10 notes for this deposition, which are privileged. So,</p> <p>11 no, they're not available to you. But I'm asking</p> <p>12 you -- I'll repeat the question, which is, do you</p> <p>13 recall ever being part of a decision-making process to</p> <p>14 give the Department of Interior's position to the</p> <p>15 Corps on whether or not to provide a special use</p> <p>16 permit to the Standing Rock Sioux Tribe, in particular</p> <p>17 on September 16 of 2016?</p> <p>18 MS. STEINER: Objection; asked and</p> <p>19 answered, assumes facts not in evidence, lack of</p> <p>20 personal knowledge.</p> <p>21 A. And I don't recall.</p> <p>22 Q. (BY MR. SEBY) Okay.</p> <p>23 A. But reiterating, if you've got a document</p> <p>24 that's got my name on it that you want to share with</p> <p>25 me that might help me understand the nature of this</p>

<p style="text-align: right;">Page 110</p> <p>1 detail, I'm happy to review that.</p> <p>2 Q. Sure. Sure. Do you recall ever hearing</p> <p>3 the name of a camp called Oceti Sakowin?</p> <p>4 A. Yes. That is the name that I believe the</p> <p>5 Standing Rock Tribe gave to the camp as it was</p> <p>6 initially created or shortly thereafter on the</p> <p>7 reservation.</p> <p>8 Q. Your testimony is that's your</p> <p>9 understanding of where the Oceti Sakowin camp was</p> <p>10 located?</p> <p>11 MS. STEINER: Objection; lack of personal</p> <p>12 knowledge.</p> <p>13 A. I recall when there was initially a camp,</p> <p>14 it was on the reservation, I believe, and I believe</p> <p>15 its name was Oceti Sakowin. I don't recall the</p> <p>16 origins of the name, but that was the name that the</p> <p>17 tribe typically used to refer to their water</p> <p>18 protectors camp. I don't remember what it translates</p> <p>19 to.</p> <p>20 Q. (BY MR. SEBY) Right. Are you familiar</p> <p>21 with other names of that camp as well, such as Seven</p> <p>22 Council Fires?</p> <p>23 A. I don't remember that.</p> <p>24 Q. Or the main camp?</p> <p>25 A. I don't remember that.</p>	<p style="text-align: right;">Page 112</p> <p>1 of it is. And maybe, if you'd like, we can save it</p> <p>2 until we get to the document.</p> <p>3 A. I think if you don't mind it would be</p> <p>4 helpful to refresh my memory with the document itself.</p> <p>5 Q. Sure. Sure. And why don't we wait,</p> <p>6 then. Do you recall a decision made by United States</p> <p>7 District Court Judge Boasberg relative to the tribe's</p> <p>8 request for a preliminary injunction against the Corps</p> <p>9 of Engineers for processing further approvals for the</p> <p>10 DAPL?</p> <p>11 MS. STEINER: Objection; misstates the</p> <p>12 evidence.</p> <p>13 A. I know in general there were lawsuits</p> <p>14 filed. I don't know the detail of those lawsuits or</p> <p>15 the conclusions. Is this something that took place</p> <p>16 after I left office?</p> <p>17 Q. (BY MR. SEBY) No. It's also September 9,</p> <p>18 the same date as your joint statement.</p> <p>19 A. I see. Yeah. I don't recall specifics</p> <p>20 of that.</p> <p>21 Q. Okay. Ms. Jewell, with respect to the</p> <p>22 protesters who were located on Corps land, do you</p> <p>23 recall you or anyone in the Department of Interior</p> <p>24 ever directing or recommending to the Corps that they</p> <p>25 not issue citations for being on their property</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. Okay. Are you aware of whether a special</p> <p>2 use permit was ever finalized or made effective for</p> <p>3 the Standing Rock Sioux Tribe with respect to use of</p> <p>4 Corps land?</p> <p>5 MS. STEINER: Objection; vague, assumes</p> <p>6 facts not in evidence, lack of personal knowledge.</p> <p>7 A. As I stated previously, I do not recall a</p> <p>8 process around a special use permit.</p> <p>9 Q. (BY MR. SEBY) Okay. Do you recall,</p> <p>10 Ms. Jewell, a joint statement in which the Department</p> <p>11 of the Interior was one of three agency signatories to</p> <p>12 a statement concerning the DAPL pipeline?</p> <p>13 MS. STEINER: Objection; vague.</p> <p>14 A. Can you help provide me with a little</p> <p>15 more information on what you mean when you say "joint</p> <p>16 statement"?</p> <p>17 Q. (BY MR. SEBY) Sure. Do you recall, as</p> <p>18 you're sitting here today, a September 9 joint</p> <p>19 statement issued by three federal agencies, one of</p> <p>20 which included the Department of Interior?</p> <p>21 A. That sounds familiar.</p> <p>22 Q. Okay. Would you like me to explain what</p> <p>23 the joint statement says on its face? We can look at</p> <p>24 it here in a minute when we go through the exhibits,</p> <p>25 but I'm just asking generally what your recollection</p>	<p style="text-align: right;">Page 113</p> <p>1 without a permit?</p> <p>2 MS. STEINER: Objection; assumes facts</p> <p>3 not in evidence, lack of personal knowledge.</p> <p>4 A. I don't recall anything of that nature.</p> <p>5 Q. (BY MR. SEBY) Do you recall anyone in the</p> <p>6 administration suggesting or directing that the Corps</p> <p>7 not issue citations to protesters?</p> <p>8 MS. STEINER: Objection; vague.</p> <p>9 A. I don't remember. Similar to my last</p> <p>10 question, I don't recall this particular issue.</p> <p>11 Q. (BY MR. SEBY) Okay. To your knowledge,</p> <p>12 did the Corps of Engineers -- pardon me. Let me</p> <p>13 restate the question.</p> <p>14 To your knowledge, did the Department of</p> <p>15 Interior ever take steps to communicate to DAPL</p> <p>16 protesters on Corps land that they needed to leave</p> <p>17 that property?</p> <p>18 MS. STEINER: Objection; vague.</p> <p>19 A. No, I don't recall that. In terms of</p> <p>20 interaction between the Department of the Interior</p> <p>21 staff and people, there would have been primarily the</p> <p>22 Bureau of Indian Affairs law enforcement action and</p> <p>23 that was predominantly on the reservation. I don't</p> <p>24 know the extent to which they might have gone outside</p> <p>25 of the reservation or what they would have said to</p>

113:14-114:1
FRE 602

<p style="text-align: right;">Page 114</p> <p>1 protesters. I don't have any knowledge of that.</p> <p>2 Q. (BY MR. SEBY) Did the -- to your</p> <p>3 knowledge, did the Department of Interior take any</p> <p>4 other steps or actions to address protesters who were</p> <p>5 trespassing on United States property?</p> <p>6 MS. STEINER: Objection; vague, compound,</p> <p>7 misstates the evidence.</p> <p>8 A. I don't know what kind of interactions</p> <p>9 might have occurred. Sorry.</p> <p>10 Q. (BY MR. SEBY) Okay. Did you ever -- were</p> <p>11 you ever asked to advocate for a federal law</p> <p>12 enforcement effort to assist the Corps in enforcing</p> <p>13 laws on its property during the protests?</p> <p>14 MS. STEINER: Objection; vague, assumes</p> <p>15 facts not in evidence.</p> <p>16 A. I'm sorry. The first part of your</p> <p>17 question was did I authorize?</p> <p>18 Q. (BY MR. SEBY) Did you ever authorize a</p> <p>19 federal request to the State of North Dakota or Morton</p> <p>20 County to evict or arrest protesters who were</p> <p>21 trespassing on Corps property? Did you ever advocate</p> <p>22 for such a request?</p> <p>23 MS. STEINER: Objection; assumes facts</p> <p>24 not in evidence.</p> <p>25 A. I'm sorry. I'm still trying to wrap my</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. Okay. With respect to your ability to</p> <p>2 provide resources as best you could, what limitations</p> <p>3 did you feel were in place on your ability to do that?</p> <p>4 MS. STEINER: Objection; vague, assumes</p> <p>5 facts.</p> <p>6 A. The Bureau of Indian Affairs has the</p> <p>7 responsibility for safety and security on the Standing</p> <p>8 Rock Sioux Reservation. They are the law enforcement</p> <p>9 body. They are employees of the Department of the</p> <p>10 Interior.</p> <p>11 In some cases -- and I don't believe</p> <p>12 that's the case here, but I don't know -- you know,</p> <p>13 there are arrangements with other law enforcements to</p> <p>14 assist each other. To the extent Interior provided</p> <p>15 people from other locations, they may have been</p> <p>16 cross-deputized to do the work of the Bureau of Indian</p> <p>17 Affairs, but I don't remember the specifics of those</p> <p>18 kinds of arrangements.</p> <p>19 And that's the sort of thing that would</p> <p>20 have been the responsibility of Darren Cruzan as the</p> <p>21 head of BIA law enforcement. So he'd be a better</p> <p>22 witness to ask these kinds of questions.</p> <p>23 Q. (BY MR. SEBY) Is it your testimony that</p> <p>24 the BIA is available for providing law enforcement</p> <p>25 assistance to other federal agencies, if asked and if</p>
<p style="text-align: right;">Page 115</p> <p>1 head around what you said.</p> <p>2 Q. (BY MR. SEBY) Let me try it again.</p> <p>3 A. Okay. Thank you.</p> <p>4 Q. Let me break the question out. Do you</p> <p>5 recall ever receiving a request for the Department of</p> <p>6 Interior to advocate for law enforcement assistance in</p> <p>7 removing trespassing parties on Corps of Engineers</p> <p>8 property?</p> <p>9 MS. STEINER: Objection; vague, assumes</p> <p>10 facts not in evidence.</p> <p>11 A. I generally remember, as expressed in my</p> <p>12 conversation with the governor, my concerns about</p> <p>13 escalating efforts and his desire for the protests to</p> <p>14 go away. I'm sure that we were asked to provide help</p> <p>15 and we were providing as much help as we could. I</p> <p>16 don't know specifics as it relates to any actions.</p> <p>17 It's just, you know, a level of detail that I don't</p> <p>18 remember being involved in directly.</p> <p>19 Q. (BY MR. SEBY) Ms. Jewell, I believe you</p> <p>20 just said that you provided assistance as best you</p> <p>21 could; is that right?</p> <p>22 A. Yeah. To clarify, the Department of the</p> <p>23 Interior, the Bureau of Indian Affairs law enforcement</p> <p>24 had the resources that we could spare helping out the</p> <p>25 situation at Standing Rock.</p>	<p style="text-align: right;">Page 117</p> <p>1 consent to do so?</p> <p>2 MS. STEINER: Objection; misstates the</p> <p>3 evidence.</p> <p>4 A. Are you asking in general?</p> <p>5 Q. (BY MR. SEBY) In general.</p> <p>6 A. In general, trained law enforcement</p> <p>7 officers of various agencies are called upon to</p> <p>8 provide assistance, and that may be to each other.</p> <p>9 That may be to other agencies through these</p> <p>10 cross-deputization relationships.</p> <p>11 I don't know the extent to which those</p> <p>12 kind of things were exercised as it relates to</p> <p>13 Standing Rock, other than the ability of agencies</p> <p>14 within Interior to loan resources to this</p> <p>15 circumstance. I just don't know the authorities that</p> <p>16 were used or how they were used in that regard as it</p> <p>17 relates to this level of detail; that, you'd have to</p> <p>18 ask others.</p> <p>19 Q. And will do, but with respect to your</p> <p>20 knowledge of that general capability, do you recall</p> <p>21 ever being asked as secretary whether or not BIA law</p> <p>22 enforcement resources could be made available to the</p> <p>23 Army Corps of Engineers?</p> <p>24 A. I don't recall that specifically.</p> <p>25 Q. Okay. All right. I would like to go</p>

ND OBJ:
Introduces new
material

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1 through some documents now with you. And when we do
2 that, I'd like to stay on track and do that for a
3 while. Do you prefer to take a lunch break now or in
4 an hour or so? I'm recognizing you're on a different
5 timezone and I just want to coordinate that with you.
6 I'm glad to do that with you as you wish.

7 A. I want to make sure that questioning
8 counsel and my counsel doesn't have a growling
9 stomach. I don't think that helps anybody, but I'm
10 not hungry yet.

11 Q. Okay.

12 THE DEPONENT: It's only 10:45 my time,
13 but, Logan, any --

14 MS. STEINER: Happy to wait an hour.

15 Q. (BY MR. SEBY) All right. Let's go
16 through some documents. Just give me a moment to get
17 organized. So we're going to start with -- we
18 provided some exhibits to your counsel, Ms. Jewell,
19 and I'm now going to go through them. And the first
20 one I'd like to call your attention to is the exhibit
21 which is marked as 406.

22 (Deposition Exhibit 406 was remotely
23 introduced and provided electronically to the court
24 reporter.)

25 A. Will you be doing a screen share or

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1 something?

2 Q. Yes. We'll be putting it up for you here
3 as we speak.

4 A. Okay. I'm looking up at another screen.
5 If you think I'm not paying attention, it's actually
6 because I'm looking at the document.

7 Q. Thank you. So this is the cover page the
8 way your counsel produced these. This is an e-mail
9 that's provided from the Department of the Army. And
10 if we could go to the next page, please, I want to
11 give you time to look through this document, but I'm
12 just going to give an introduction to it and then I'll
13 afford you whatever time you need to review it.

14 So this is a two-part e-mail, and the
15 main part of the e-mail is an e-mail from Donald --
16 Major General Donald Jackson with the Department of
17 the Army Corps of Engineers to Lawrence Roberts with
18 the Department of Interior dated August 8.

19 And you are going to have the opportunity
20 to read this in a minute, but just to give you
21 context, Major General Jackson met with Mr. Roberts as
22 part of an event, the follow-up from the Lakota youth
23 runners meeting the week prior. So August 5 would
24 have been that Friday.

25 And they happened to see each other at

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1 that, and Major General Jackson is recounting that --
2 he referred to him as Secretary Roberts -- that
3 Mr. Roberts has provided a comment letter dated
4 March 29 of 2016 that Mr. Roberts submitted to the
5 Corps of Engineers as a comment letter.

6 And Mr. Roberts apparently was puzzled
7 because he didn't know if the Corps ever received it
8 or acknowledged it. And Major General Jackson is
9 telling Mr. Roberts that yes, indeed, our records show
10 that we received it and in fact the Omaha district
11 commander, Colonel Henderson, provided a written
12 response to Mr. Roberts.

13 And Major General Jackson was providing
14 another copy for Mr. Roberts, as well as providing an
15 update that the Clean Water Act Section 408 permit for
16 the Lake Oahe crossing has been granted by the Corps,
17 along with authorization under Nationwide Permit 12
18 that was also required, and also lastly notes that
19 there's an outstanding real estate easement for
20 crossing the lake that the Corps is actively being
21 worked to resolution. So he's letting Mr. Roberts
22 know that.

23 And then the attachments to this are
24 Mr. Roberts' letter, comment letter, and then of
25 course Colonel Henderson's response letter dated

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1 June 28, 2016. Would you take a moment and
2 familiarize yourself, please, with both of those
3 attachments, and of course the e-mail. Read that for
4 yourself.

5 A. Okay. Give me a minute.

6 Q. Yes.

7 A. You can scroll down, please. You can
8 scroll down maybe to the top of that paragraph that
9 was truncated. That's good. Scroll down, please.
10 Could you just scroll up to the date of this memo,
11 please. March 29. Okay. Thank you. You can scroll
12 down. Scroll down. Hold there. Okay. Scroll down,
13 please. Okay. Scroll down.

14 Q. Ms. Jewell, have you completed reading
15 the exhibit?

16 A. I have.

17 Q. Okay. Thank you. So the two letters
18 that we'll talk about here in a minute are being
19 provided to Mr. Roberts. He apparently wasn't aware
20 that a response was sent to his letter, and so Major
21 General Jackson is making that clear and providing it
22 to him, along with the fact that the Corps had already
23 made -- by the time that Mr. Roberts raised this
24 issue, the Corps had already granted the Section 408
25 permit for the crossing and the nationwide permit

119:14-121:5
FRE 611, 801

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1 relative to the pipeline crossing and the easement
2 decision was pending.
3 And so in Mr. Roberts' letter commenting,
4 which was -- will you agree with me this was a
5 Department of Interior comment letter on the Corps of
6 Engineers proposed environmental assessment?
7 MS. STEINER: Objection; vague, misstates
8 the evidence.
9 A. Can you -- are you talking about this
10 letter from Mr. Roberts?
11 Q. (BY MR. SEBY) Yes. It's a comment letter
12 to the Corps of Engineers from the Department of
13 Interior; correct?
14 A. I don't know what you would characterize
15 the letter as. It is a message from the Corps of
16 Engineers -- I mean, excuse me -- from the Department
17 of Interior to the Corps of Engineers expressing
18 reservations about whether the Corps followed
19 appropriate process on tribal consultation.
20 Q. If you look at the last paragraph of this
21 letter, which we're scrolling down to, right there,
22 right there, the last paragraph says, "We appreciate
23 the opportunity to provide comments on the EA. Should
24 you have further questions or concerns, please contact
25 Mr. Miles Janssen, Counselor to the Assistant

122:20-123:5
FRE 611

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1 Secretary -- Indian Affairs."
2 So that's Mr. Roberts' own
3 characterization of the letter and why I referred to
4 it as a comment letter. Does that make sense now?
5 A. Yes. That makes sense. Thank you.
6 Q. All right. So Mr. Roberts' letter, if we
7 go back up to the top, second paragraph. So this is
8 an expression of concern, why in the first paragraph
9 he's asking -- it is a comment letter to the EA saying
10 we want you to do a full environmental impact
11 statement because of the proposed Dakota Access
12 Pipeline on the Standing Rock Sioux Tribe Reservation.
13 And Mr. Roberts says, "The routing of a
14 12- to 30-inch crude oil pipeline in close proximity
15 to and upstream of the Reservation is of serious
16 concern to the department."
17 Is Mr. Roberts articulating a position
18 from the Department of Interior that the dispute was
19 with the route of the pipeline?
20 MS. STEINER: Objection; calls for
21 speculation.
22 A. The letter appears to me to be reflecting
23 concerns about the nature of the project relative to
24 the environmental review that was conducted and a
25 suggestion that they do a full environmental impact

123:6-124:1
FRE 602, 611,
calls for
hearsay, 801

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1 statement.
2 Q. (BY MR. SEBY) Sure. And I agree with you
3 that's what he says. What is the driver of the
4 concern? Is it the proximity of the crossing to the
5 Standing Rock Reservation?
6 MS. STEINER: Objection; lack of personal
7 knowledge, calls for speculation.
8 A. I'm reading the language of the letter.
9 Q. (BY MR. SEBY) Yeah. Do you recall being
10 involved?
11 A. The proximity of the pipeline to the
12 reservation and its water supply is a serious concern.
13 Q. Yes. Yes. Okay. So in response to this
14 letter, the district commander of the Omaha district,
15 Colonel John Henderson -- I believe you said that name
16 had some familiarity to you from the past. Does it
17 ring a bell now who Colonel Henderson is?
18 A. Yes.
19 Q. Okay. He's the signatory of that letter.
20 He is responding to Mr. Roberts saying that the tribe
21 was afforded the opportunity to participate, like
22 Mr. Roberts did in the public comment process, and
23 tribes plural, not just the Standing Rock, and that
24 not only was there the right of public participation
25 by submitting of comments on the proposed Corps of

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1 Engineers action, but that the Corps, according to
2 Colonel Henderson -- if you look at the third full
3 paragraph -- during the development of the EA, there
4 were public comment opportunities.
5 And also, in addition, after the public
6 comment period had ended, the Corps held additional
7 meetings and conducted site visits with the tribes
8 during the course of five additional months of 2016,
9 January, February, March, April, and May, and that
10 based upon the submittal of the public comments from
11 the tribes and those meetings that occurred over the
12 span of five separate months, that the EA was revised
13 to reflect some of the comments that were received and
14 specifically to cover any corrective action areas,
15 preparation and testing areas of the pipeline that
16 would occupy lands with federal interest and requiring
17 robust spill prevention and response plans. And at
18 that time he's saying we have not yet made a decision.
19 Were you aware of this correspondence
20 between Mr. Roberts and Colonel Henderson and the
21 actions taken by the Corps?
22 MS. STEINER: Objection; vague, compound.
23 A. I don't recall this specific letter. I
24 do recall that there were comments made after the
25 comment period had closed. And I also recall -- and,

125:19-126:14
FRE 602

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1 you know, this happens -- that there is a comment
2 period. A lot of organizations, companies in
3 particular, treat tribal consultation as what we'll
4 call a "check-the-box exercise," and that doesn't
5 reflect a view on the part of the tribe that that
6 consultation was authentic or that the input was
7 listened to.

8 And so I know from my conversation with
9 Chairman Archambault that as it relates to this
10 process, he did not feel that the tribe was listened
11 to by the pipeline company when they did what they
12 called "tribal consultation." And that was an
13 objection that I believe prompted the tribe's response
14 and concerns.

15 Q. (BY MR. SEBY) Earlier I heard you say
16 something very similar to that, and I appreciate that.
17 I understand it. I think you're making a
18 distinction -- if I can ask a question, a distinction
19 between on the one hand a consultation that a pipeline
20 company -- in this case Energy Transfer, I think --
21 and the federal government's consultation activities.

22 And so here I believe the Army Corps is
23 talking about the scenario where the federal
24 government is consulting with the tribes, not only
25 through taking public comment like anyone in the

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1 public has the opportunity to do, but in addition he's
2 saying we held meetings over the course of five
3 separate individual months. And is that what you're
4 saying gave rise to the concern as to being a
5 check-the-box exercise?

6 A. I know Chairman Archambault did not feel
7 that the tribe's concerns had been adequately
8 considered or listened to. I don't know whether those
9 concerns related to both a process by the Army Corps
10 or a process by the pipeline company, nor do I know
11 whether those were conducted in conjunction with each
12 other or whether they were separate processes. I
13 wasn't involved in the details. So, you know --

14 MR. SCARPATO: Sorry to cut in here.
15 This is Bill Scarpato. I've been listening in by
16 phone. I just wanted to note for the record that I
17 believe during Paul's last question the Zoom platform
18 cut out and restarted. So I'm not sure that my
19 colleague Ms. Steiner was able to hear that entire
20 question or all of Secretary Jewell's answer. I
21 apologize for cutting in.

22 MS. STEINER: Thanks, Bill. That is
23 correct. My Zoom cut out and restarted. I am able to
24 hear and see now.

25 MR. SEBY: Ms. Steiner, do you recall at

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1 what point you were not connected?

2 MS. STEINER: I do not. I believe it was
3 a couple of questions ago.

4 MR. SEBY: Were we discussing these
5 letters?

6 MS. STEINER: We were, yes. And --

7 MR. SEBY: I need you to tell me what you
8 heard last. Otherwise, I'm challenged in being able
9 to help you. I'm happy to do it. I just want to
10 understand where you exited.

11 MS. STEINER: Yes. So you were in the
12 middle of a question about Colonel Henderson's letter
13 and I believe his intent, but I'm not positive what
14 the remainder of the question was. It was midstream
15 and a long question. So if we could perhaps have the
16 court reporter go back and read a couple of questions
17 ago and we can resume from there.

18 THE REPORTER: It's true. There are two
19 very long questions. Would you like me to read both
20 of all of them?

21 MR. SEBY: I'm willing to resolve this.
22 I don't want to waste a bunch of time. It might just
23 be easier to start over.

24 MS. STEINER: Begin over with the
25 deposition or you mean with this line of questioning?

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1 MR. SEBY: With this line of questioning.
2 I'm not hearing from you anything that gives me a road
3 mark of where you exited.

4 MS. STEINER: We were discussing Colonel
5 Henderson's letter. And if the court reporter could
6 read back the start of the last question, I can let
7 you know if that was the question where my Zoom cut
8 out.

9 MR. SEBY: Let's do that quickly, please.

10 THE REPORTER: I'm going to have to
11 scroll back. One moment.

12 (The last question was read back as
13 follows: "Earlier I heard you say something very
14 similar to that, and I appreciate that. I understand
15 it. I think you're making a distinction -- if I can
16 ask a question, a distinction --")

17 MS. STEINER: The question before that.
18 Excuse me.

19 (The question beginning on page 124, line
20 19, was read back as follows: "He's the signatory of
21 that letter. He is responding to Mr. Roberts saying
22 that the tribe was afforded the opportunity to
23 participate, like Mr. Roberts did in the public
24 comment process, and tribes plural, not just the
25 Standing Rock, and that not only was there the right

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<p style="text-align: right;">Page 130</p> <p>1 of public participation by submitting of comments on</p> <p>2 the proposed Corps of Engineers action, but that the</p> <p>3 Corps, according to Colonel Henderson -- if you look</p> <p>4 at the third full paragraph -- during the development</p> <p>5 of the EA, there were public comment opportunities.</p> <p>6 And also, in addition, after the public</p> <p>7 comment period had ended, the Corps held additional</p> <p>8 meetings and conducted site visits with the tribes</p> <p>9 during the course of five additional months of 2016,</p> <p>10 January, February, March, April, and May, and that</p> <p>11 based upon the submittal of the public comments from</p> <p>12 the tribes and those meetings that occurred over the</p> <p>13 span of five separate months, that the EA was revised</p> <p>14 to reflect some of the comments that were received and</p> <p>15 specifically to cover any corrective action areas,</p> <p>16 preparation and testing areas of the pipeline that</p> <p>17 would occupy lands with federal interest and requiring</p> <p>18 robust spill prevention and response plans. And at</p> <p>19 that time he's saying we have not yet made a decision.</p> <p>20 Were you aware of this correspondence between Mr.</p> <p>21 Roberts and Colonel Henderson and the actions taken by</p> <p>22 the Corps?")</p> <p>23 THE REPORTER: And you did object as</p> <p>24 vague and compound.</p> <p>25 MS. STEINER: Okay. So it would have</p>	<p style="text-align: right;">Page 132</p> <p>1 A. I don't remember exactly what I said.</p> <p>2 Q. The court reporter will handle that for</p> <p>3 us.</p> <p>4 A. Okay.</p> <p>5 THE REPORTER: I'll have to scroll back</p> <p>6 again.</p> <p>7 (The answer beginning on page 125, line</p> <p>8 23, was read back as follows: "I don't recall this</p> <p>9 specific letter. I do recall that there were comments</p> <p>10 made after the comment period had closed. And I also</p> <p>11 recall -- and, you know, this happens -- that there is</p> <p>12 a comment period. A lot of organizations, companies</p> <p>13 in particular, treat tribal consultation as what we'll</p> <p>14 call a "check-the-box exercise," and that doesn't</p> <p>15 reflect a view on the part of the tribe that that</p> <p>16 consultation was authentic or that the input was</p> <p>17 listened to. And so I know from my conversation with</p> <p>18 Chairman Archambault that as it relates to this</p> <p>19 process, he did not feel that the tribe was listened</p> <p>20 to by the pipeline company when they did what they</p> <p>21 called "tribal consultation." And that was an</p> <p>22 objection that I believe prompted the tribe's response</p> <p>23 and concerns.")</p> <p>24 MR. SEBY: Ms. Steiner, are you current?</p> <p>25 MS. STEINER: I am thank you.</p>
<p style="text-align: right;">Page 131</p> <p>1 been just after that. Thank you.</p> <p>2 Q. (BY MR. SEBY) Ms. Jewell, you're muted.</p> <p>3 If you'd take your microphone off mute, please.</p> <p>4 A. Yeah. I didn't know if she was going to</p> <p>5 read my response or what. What happens now if counsel</p> <p>6 was not present for part of this?</p> <p>7 Q. We're going to pick up with the questions</p> <p>8 starting at that point. Your counsel objected to the</p> <p>9 question, and so now I want to ask you the question</p> <p>10 that was pending, and that is did you read that</p> <p>11 paragraph where the Corps is providing that</p> <p>12 information to Mr. Roberts?</p> <p>13 A. Yeah. Just a clarification. What I said</p> <p>14 before, does that get struck from the record or does</p> <p>15 it stay in the record?</p> <p>16 Q. It stays in the record. We're just</p> <p>17 picking up again so your counsel can be afforded the</p> <p>18 opportunity to speak if they choose.</p> <p>19 A. Okay. So you don't want to read my</p> <p>20 answer and have the court reporter read my answer?</p> <p>21 You want me to answer --</p> <p>22 Q. I do.</p> <p>23 A. -- the question again?</p> <p>24 Q. So Ms. Steiner can listen to it and then</p> <p>25 provide whatever she may wish to do.</p>	<p style="text-align: right;">Page 133</p> <p>1 MR. SEBY: I'd just note for the record</p> <p>2 we took over five minutes for that deviation and we're</p> <p>3 going to take it back later on. So we'll just proceed</p> <p>4 from now.</p> <p>5 Q. (BY MR. SEBY) Ms. Jewell, now a question,</p> <p>6 now that we're aligned with your counsel. The</p> <p>7 question was or is, when you're talking about</p> <p>8 consultation and Chairman Archambault telling you that</p> <p>9 he was concerned with the nature of consultation, you</p> <p>10 referred to consultation with the pipeline company.</p> <p>11 And do you agree with me this correspondence between</p> <p>12 Mr. Roberts and Colonel Henderson and Colonel</p> <p>13 Henderson and Mr. Roberts pertains to consultation</p> <p>14 with respect to a proposed federal action, not the</p> <p>15 pipeline company?</p> <p>16 MS. STEINER: Objection; lack of</p> <p>17 foundation, vague, misstates the evidence, compound.</p> <p>18 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>19 A. And I believe I did answer that question</p> <p>20 while counsel was absent. And my answer was that I</p> <p>21 didn't know specifically whether the Corps' process</p> <p>22 was independent of the pipeline company's process with</p> <p>23 regard to tribal consultation or whether they</p> <p>24 overlapped in some way.</p> <p>25 So I don't know the specifics about these</p>

<p style="text-align: right;">Page 134</p> <p>1 months and this consultation and how it relates to the</p> <p>2 chairman's concerns that they weren't listened to,</p> <p>3 whether it was to this or to a process with the</p> <p>4 pipeline company. I don't know the specifics of the</p> <p>5 process with either one of the entities.</p> <p>6 Q. Earlier I believe you told us that you</p> <p>7 were not familiar with in any manner the State of</p> <p>8 North Dakota's permitting and siting procedure before</p> <p>9 the North Dakota Public Service Commission, if I'm</p> <p>10 recalling your comment correctly?</p> <p>11 MS. STEINER: Objection; misstates the</p> <p>12 evidence.</p> <p>13 A. My recollection is that there was a</p> <p>14 process -- I don't know if it was state or</p> <p>15 otherwise -- that would have routed the pipeline north</p> <p>16 of Bismarck and that that was rejected and it was</p> <p>17 moved south of Bismarck. What I was told was that it</p> <p>18 could impact the water supply of Bismarck. I don't</p> <p>19 know the state process at all and what its role was or</p> <p>20 might have been, or others for that matter.</p> <p>21 Q. (BY MR. SEBY) And your understanding of</p> <p>22 the -- I think you said the route was originally</p> <p>23 proposed for north of Bismarck but moved. You're</p> <p>24 relying upon whom for that understanding?</p> <p>25 A. I don't recall the source of that. I</p>	<p style="text-align: right;">Page 136</p> <p>1 who is executive director for the Great Plains Tribal</p> <p>2 Chairman's Association. Excuse me. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Very bottom.</p> <p>5 A. Make sure you go all the way down to the</p> <p>6 bottom of this. Is that the first part of the</p> <p>7 exchange?</p> <p>8 Q. That's the end of it.</p> <p>9 A. Okay. Thank you. So pause on his</p> <p>10 message. So it doesn't say who it's to?</p> <p>11 Q. Apparently not. It wasn't provided to us</p> <p>12 in that regard. So I don't know why that is an empty</p> <p>13 box, the "to" box. It's got an interesting looking</p> <p>14 squiggle in there, and that's how your counsel</p> <p>15 provided it to us. So I don't know. It was forwarded</p> <p>16 to you.</p> <p>17 A. Okay. Let me read it. Roll down if</p> <p>18 there's anything else. Okay. Then roll up, please.</p> <p>19 Stop.</p> <p>20 Q. Mr. Roberts in response to Mr. Kingman's</p> <p>21 e-mail says, I'll try to get more detail. And</p> <p>22 apparently he sent that to you and to Tommy Beaudreau.</p> <p>23 And you responded, "Thanks. Please do keep us</p> <p>24 informed. Given that the President visited Standing</p> <p>25 Rock, Tommy may want to give the White House a heads</p>
<p style="text-align: right;">Page 135</p> <p>1 just recall it being discussed. I don't remember if</p> <p>2 it was with the governor or with others or why it was</p> <p>3 routed, but it is -- the route that was proposed by</p> <p>4 the Standing Rock Reservation was certainly not the</p> <p>5 shortest distance.</p> <p>6 Q. I'm sorry. I don't follow that last</p> <p>7 part. The route proposed by the Standing Rock?</p> <p>8 A. No. The route proposed for the pipeline</p> <p>9 that goes by Standing Rock was not the shortest</p> <p>10 distance that the pipeline was traveling from its</p> <p>11 source to its terminus.</p> <p>12 Q. Are you aware if that routeing</p> <p>13 consideration was central to the decision-making</p> <p>14 process of the North Dakota Public Service Commission?</p> <p>15 MS. STEINER: Objection; misstates the</p> <p>16 evidence.</p> <p>17 A. No. I don't know the process.</p> <p>18 (Deposition Exhibit 486 was remotely</p> <p>19 introduced and provided electronically to the court</p> <p>20 reporter.)</p> <p>21 Q. (BY MR. SEBY) Okay. Okay. All right.</p> <p>22 If we could move, please, to Exhibit 486. Ms. Jewell,</p> <p>23 this is a single-page e-mail, two parts -- three</p> <p>24 parts. Pardon me. It begins with an e-mail</p> <p>25 apparently received by Mr. Roberts from a Gay Kingman,</p>	<p style="text-align: right;">Page 137</p> <p>1 up. I assume this has to do with the pipeline</p> <p>2 construction that the tribe has objected to? Have we</p> <p>3 taken any action with regard to the pipeline and the</p> <p>4 tribe's position? I'll keep checking messages in the</p> <p>5 event you need me to do anything."</p> <p>6 So, Ms. Jewell, was this the first time</p> <p>7 that you were advised, such as this is, of a protest</p> <p>8 or incident related to the protest of the Dakota</p> <p>9 Access Pipeline? This is dated August 12. All of the</p> <p>10 e-mails in this string are dated August 12, 2016.</p> <p>11 A. I'm not sure, you know, because this</p> <p>12 deals with human remains. I don't know about whether</p> <p>13 my message -- I mean, obviously I knew that the</p> <p>14 pipeline -- the tribe had objected to the pipeline</p> <p>15 construction.</p> <p>16 What I believe I'm asking is that -- what</p> <p>17 I'm questioning is whether my message had to do with</p> <p>18 the pipeline construction. Sounds like it had to do</p> <p>19 with the finding of the human remains. So that's why</p> <p>20 I was saying I assume it has to do with the pipeline</p> <p>21 construction.</p> <p>22 And I knew about the tribe's concerns</p> <p>23 that it did not have adequate consultation before</p> <p>24 that, which is why I refer to that. I don't know the</p> <p>25 timing of this relative to the protests. So I'm</p>

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1 sorry. I'm trying to respond, but I have now
2 forgotten what your original question was.

3 Q. My question, Ms. Jewell, was, is this the
4 first time you heard anything about the protests?

5 A. Yeah. So I don't know because this isn't
6 about the protests. This is about the finding of
7 human remains and the chairman intervening. So I
8 can't remember when the protests actually started.

9 Q. Okay. So let's go down to Mr. Kingman's
10 e-mail. He says, "Breaking: It is being reported
11 that DAPL workers during their illegal dig have
12 uncovered human remains, as they were warned they
13 would in violation of federal law. The South Dakota
14 State Archaeologist and the Tribal Historic
15 Preservation Office are being called to verify the
16 site."
17 And then there's another -- the final
18 paragraph says, Meanwhile, Chairman Archambault and
19 Councilman Yellow Fat, Standing Rock Sioux Tribe, have
20 been arrested for crossing the fence to defend our
21 homeland and water.
22 What do you make of that paragraph?

23 MS. STEINER: Objection; vague, lack of
24 personal knowledge.

25 Q. (BY MR. SEBY) Do you know what that

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1 means, "arrested for crossing the fence to defend our
2 homeland and water"?

3 A. No.

4 MS. STEINER: Objection; calls for
5 speculation.

6 Q. (BY MR. SEBY) Okay.

7 A. I don't know Mr. Kingman. If I met him,
8 I don't recall him. And he's from tribal communities
9 and these are his words. So you'd have to ask him
10 what he meant.

11 Q. Sure. Sure. I'm just asking you if you
12 understood at the time what he meant. Would you be --

13 A. I don't remember. I don't remember the
14 time frame relative to the other issues that went on.
15 I'm sorry. It's just -- I don't have a detailed
16 timeline in my head and I don't have documents to
17 refer to.

18 Q. Okay. I'm just -- because you responded
19 to this e-mail is why I'm asking you about it. And
20 you were wanting to be kept informed and suggesting it
21 might even rise to the level of letting the White
22 House know, apparently based upon this e-mail from an
23 individual who you have not met and says things that
24 are not true. For example, are you aware that
25 Chairman Archambault was indeed arrested for

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1 trespassing on private property?

2 MS. STEINER: Objection; misstates the
3 evidence, lack of personal knowledge.

4 Q. (BY MR. SEBY) Are you aware of that?

5 A. I recall at some time during the course
6 of the protests that he was confronted by law
7 enforcement. I didn't remember what that entailed.
8 But, you know, whether it was a formal arrest, I don't
9 recall whether he was jailed, but I do know that there
10 was a confrontation along these lines. And I just
11 remember that. I don't remember the time frame.

12 Q. The confrontation was he was arrested
13 because he trespassed onto private property after
14 cutting a fence and then when he was confronted by law
15 enforcement on that private property where he was a
16 trespasser, he pushed, shoved a state of North Dakota
17 highway patrolman. Are you aware of that?

18 MS. STEINER: Objection; argumentative,
19 misstates the evidence.

20 A. I don't recall those specifics, no.

21 Q. (BY MR. SEBY) Okay. All right. Was it
22 your practice to suggest communicating with the White
23 House based upon e-mails like this that reported
24 information that you yourself didn't know to be true?

25 A. Would you please bring up my e-mail.

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1 MS. STEINER: Objection; misstates the
2 evidence, argumentative.

3 A. As I stated early on in my deposition,
4 it's important that the White House be informed of
5 things that could become problematic in terms of the
6 press. And so just to read my own words in this
7 message, Given that the President visited Standing
8 Rock, Tommy, my chief of staff, may want to give the
9 White House a heads up, it's clear from the second
10 part of the message, "I assume this has to do with the
11 pipeline construction that the tribe has objected to?
12 Have we taken any action with regard to the pipeline
13 and the tribe's position?"

14 There is nothing in my message that
15 conveys whether the report -- or the message from
16 Mr. Kingman was accurate or inaccurate. It had to do
17 with making sure the White House was aware that some
18 tribal chairman, that the president knew personally
19 from his visit, had had a situation reported as an
20 arrest. You know, so you said am I forwarding on
21 information that is false. And, no, I'm letting my
22 team know that I believe the White House should be
23 informed, as things appeared in this message to be
24 escalating.

25 Q. (BY MR. SEBY) Ms. Jewell, this

141:25-142:21
FRE 611

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1 correspondence on this exhibit is four days after the

2 last -- the communication from Major General Jackson,

3 Exhibit 406 that we discussed, the correspondence from

4 Mr. Roberts and the response from Colonel Henderson.

5 You say in this e-mail, this Exhibit 486, that --

6 you're asking your chief of staff and Mr. Roberts,

7 "Have we taken any action with regard to the pipeline

8 and the tribe's position?"

9 What sort of action were you thinking was

10 potentially possible that the Department of Interior

11 could take with respect to the pipeline?

12 MS. STEINER: Objection; misstates the

13 evidence, assumes facts not in evidence.

14 A. As I stated early on, our role is to

15 ensure that the law is upheld by all government

16 agencies as it relates to things like tribal

17 consultation and making sure that those entities that

18 don't perhaps have as much interaction with tribes as

19 the Interior does know what their responsibilities

20 are. That's the kind of action that I would have been

21 referring to.

22 Q. (BY MR. SEBY) Okay. So how would you

23 characterize that kind of action? As an educational

24 role? Advising? I'm not sure what you mean.

25 MS. STEINER: Objection; vague, compound.

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1 Q. (BY MR. SEBY) Ms. Jewell?

2 A. Is the Corps aware of their

3 responsibilities to appropriately consult with the

4 tribe, listen to their objections, and do their best

5 to address them. That is the kind of responsibility

6 that an entity has, not just the federal government

7 but the pipeline company as well.

8 So, you know, when a tribal chairman

9 expresses to us that they do not feel they were

10 listened to, that's the sort of thing that we pass

11 along to make sure that other entities are aware of

12 their responsibilities.

13 Q. So in that -- in your mind, then, at the

14 time of your e-mail to Mr. Roberts and Mr. Beaudreau,

15 you were recalling your conversation with Chairman

16 Archambault, or had it not yet occurred?

17 MS. STEINER: Objection; misstates the

18 evidence.

19 A. I don't remember when I had my

20 conversations with Chairman Archambault.

21 (Deposition Exhibit 487 was remotely

22 introduced and provided electronically to the court

23 reporter.)

24 Q. (BY MR. SEBY) All right. If we could go

25 to the next exhibit, Ms. Jewell. It's 487. And this

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1 is some -- a dialogue e-mail between Assistant

2 Secretary Michael Connor and Ms. Jo-Ellen Darcy, who

3 is the assistant secretary of the army for civil

4 works.

5 MR. SEBY: If you could scroll down,

6 please, Rachel, just a bit so Ms. Jewell can read the

7 first piece of this e-mail chain.

8 Q. (BY MR. SEBY) This is Mr. Connor writing

9 to Ms. Darcy.

10 A. And let me just correct you. It is

11 Deputy Secretary of the Interior Mike Connor.

12 Q. Thank you very much.

13 A. Not assistant secretary. There are

14 multiple assistant secretaries and only one deputy.

15 Q. I'm sorry. Just so I get it straight,

16 it's deputy assistant secretary?

17 A. Deputy secretary. No assistant.

18 Q. Deputy secretary.

19 A. Deputy Secretary Connor. It's a

20 senate-confirmed position. It's the number two role

21 in the department, like the chief operating officer.

22 Q. Okay. Thank you. So in that capacity as

23 deputy secretary, the number two in the department,

24 your immediate next in line, is Mr. Connor writing to

25 Ms. Darcy, who is the assistant secretary of the army

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1 for civil works, on August 17 of 2016. So if you'd

2 take a minute and read Mr. Connor's message below.

3 A. Yeah. I haven't read the thing below

4 that we started with. Okay.

5 Q. Have you read the entire exhibit?

6 A. No. I was just looking at the --

7 rereading part of the bottom. Hang on. Okay.

8 Q. Are you done?

9 A. I am.

10 Q. Okay. So let me ask you about Mr. Connor

11 reaching out to Ms. Darcy on August 17. Earlier I

12 think you mentioned -- and please correct me -- that

13 Mr. Connor really was briefed, kept apprised of the

14 DAPL protests, but really didn't play any role. So I

15 would like to understand from you why, then, on

16 August 17 he's writing to the Army Corps of Engineers'

17 top official, the assistant secretary to the army for

18 civil works, letting her know about this and that the

19 department is in contact with the tribe and the

20 governor's office in trying to provide appropriate

21 support for the situation to remain peaceful. What

22 did he want to speak with Ms. Darcy about?

23 MS. STEINER: Objection; lack of personal

24 knowledge, vague, compound.

25 Q. (BY MR. SEBY) If you know, Ms. Darcy.

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1 Ms. Jewell. Excuse me.

2 A. As I believe I stated at the beginning of

3 the deposition, Mike Connor was deputy secretary and

4 informed about everything happening in the department,

5 but my two primary contacts as it related to Standing

6 Rock and DAPL were my chief of staff, Tommy Beaudreau,

7 and the assistant secretary -- acting assistant

8 secretary and principal deputy assistant secretary of

9 Indian Affairs, Larry Roberts.

10 I said that Mike Connor may well have

11 played a role, but that he was not the person that was

12 typically informing me. Okay. So I just want to

13 clarify that that's what I said earlier. Not that he

14 was not informed, but that he was not the primary

15 contact and that he may well have been -- he would

16 have been aware and he may well have been engaged. So

17 let me start with that.

18 It is entirely appropriate from a level

19 perspective to have the deputy secretary, the number

20 two person at the Department of the Interior,

21 connecting directly with the assistant secretary of

22 the army for civil works. She is the top official for

23 civil works and would have been someone with whom

24 Tommy would have worked over the course of his time

25 both as deputy secretary and before that as

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1 commissioner of the Bureau of Reclamation.

2 So they had a personal relationship. And

3 so it would be completely appropriate for Mike to have

4 reached out to Assistant Secretary Darcy around what

5 he felt was an escalating situation as determined and

6 a desire to have a phone call about it so that she was

7 aware of what Interior was aware of, and as it evolved

8 on the ground in Standing Rock. That's how I read

9 this, and I read it as an entirely appropriate

10 exchange between two people of equal level about an

11 incident that involved both of them.

12 Q. Yeah. I'm not at all questioning the

13 appropriateness of it. I'm just trying to understand

14 it relative to your earlier testimony and also ask you

15 were you aware of this communication from Mr. Connor

16 to the assistant secretary of the Corps?

17 MS. STEINER: Objection; vague, compound.

18 A. I don't recall specifically ever seeing

19 this e-mail, but it would be completely consistent

20 with how our department would have operated for this

21 to have occurred.

22 Q. (BY MR. SEBY) Do you recall ever knowing

23 what Mr. Connor wished to speak to Ms. Darcy about,

24 given the other information being reported in his

25 e-mail?

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1 MS. STEINER: Objection; vague.

2 A. I just have to take at face value what he

3 says in his message.

4 Q. (BY MR. SEBY) I understand that, but

5 there is a statement in the message that says, "If you

6 have a chance, it may be helpful for us to have a

7 quick chat." Mr. Connor is saying that to Ms. Darcy.

8 My question to you, Ms. Jewell, is, did you know what

9 the issue he wanted to speak with Ms. Darcy pertained

10 to?

11 A. I only know what I've just read in this

12 e-mail. He wanted to speak with her about concerns

13 that the, you know, situation remain peaceful.

14 Q. Sure. And do you know why he was

15 concerned that there may be potential challenges to

16 keeping things peaceful?

17 MS. STEINER: Objection; misstates the

18 evidence.

19 A. I don't know anything beyond what I'm

20 reading here.

21 Q. (BY MR. SEBY) Thank you.

22 A. As I stated previously, the timeline of

23 events specifically when people started gathering,

24 when I spoke to people, those sorts of things are just

25 things that I don't have in my mind.

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1 (Deposition Exhibit 489 was remotely

2 introduced and provided electronically to the court

3 reporter.)

4 Q. I understand. All right. If we could

5 turn to Exhibit 489. And if you'll look down at the

6 bottom of this e-mail, which is another communication

7 from Mr. Connor to Ms. Darcy, and this one is dated --

8 the top of it is August 26. The bottom portion is --

9 it looks like Mr. Connor went to that earlier chain of

10 communication that we were just discussing in the

11 previous exhibit where he was pointing out to

12 Ms. Darcy the emerging situation and asking to speak

13 with her. And they correspond about logistics of

14 getting the call set up.

15 And so that all occurred on August 17,

16 but Mr. Connor utilized that existing e-mail chain --

17 I don't know -- nine days later. On Friday,

18 August 26, he picked that chain up and replied back to

19 Ms. Darcy, "Good morning. Any chance you're available

20 for 5 to 10 minutes today for an update on the DAP

21 situation?"

22 Do you recall Mr. Connor talking with you

23 prior to this communication concerning the Dakota

24 pipeline as Mr. Connor referred to it?

25 A. I don't recall. I don't even know if I

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1 was in town.

2 Q. Okay. So the number two in the

3 department is continuing to converse with Ms. Jewell

4 and --

5 A. Darcy.

6 Q. Pardon me. I'm sorry. Ms. Darcy and

7 ongoing communication. There's no issue or question

8 about whether it's appropriate or not. I'm just

9 wondering if you were aware of this and what the -- I

10 appreciate this is a point in time and wondering

11 whether or not this was brought to your attention what

12 the issues were continuing to be and the need for

13 continued dialogue?

14 MS. STEINER: Objection; vague, compound,

15 lack of personal knowledge, asked and answered.

16 Q. (BY MR. SEBY) Anything further,

17 Ms. Jewell?

18 A. No. I don't really have anything to add

19 beyond what I've said. I knew that my team was

20 connecting with the Army Corps and I allowed them to

21 do their jobs.

22 Q. Are you aware of whether or not

23 Mr. Connor was ever further involved in communicating

24 with the Corps after this communication?

25 MS. STEINER: Objection; vague, lack of

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1 personal knowledge.

2 A. Mr. Connor is currently in the position

3 that Jo-Ellen Darcy occupied. So certainly he's had

4 conversations with the Army Corps of Engineers. He is

5 the assistant secretary for civil works now. So you

6 didn't put any parameters timewise on your question.

7 Q. (BY MR. SEBY) Okay. Thank you for that.

8 I'm glad to clarify it. Do you know of Mr. Connor in

9 his capacity as deputy secretary in the Obama

10 administration for the Department of Interior

11 corresponding or communicating in any manner with

12 Ms. Darcy at the Corps in her capacity as assistant

13 secretary? Was that the last communication that

14 Mr. Connor had with her, or do you know?

15 MS. STEINER: Objection.

16 A. I have no idea.

17 MS. STEINER: Objection; vague, compound.

18 MR. SEBY: Ms. Steiner, you are talking

19 over the witness. I appreciate objections, but let's

20 keep them separate from the witness's testimony,

21 please.

22 MS. STEINER: Yes. And I'm entitled to

23 get my objections on the record. Thank you.

24 MR. SEBY: There's no dispute.

25 Q. (BY MR. SEBY) Ms. Jewell, I'm sorry you

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1 were interrupted. What were you saying?

2 A. I said I have no idea what ongoing

3 communications would have taken place between

4 Mr. Connor and Ms. Darcy.

5 Q. Okay. Do you ever recall asking him to

6 focus on other responsibilities aside from DAPL?

7 MS. STEINER: Objection; vague, lack of

8 personal knowledge.

9 A. No.

10 Q. (BY MR. SEBY) Okay. So he wasn't asked

11 to discontinue his role in DAPL at this point, as far

12 as you know?

13 A. I don't recall anything of that nature.

14 Q. Okay. Do you recall continuing to rely

15 upon and utilize Mr. Connor on the DAPL situation for

16 the remaining period of time that you were with the

17 Obama administration?

18 MS. STEINER: Objection; vague.

19 A. As stated previously, my primary points

20 of contact to keep me up to date were Tommy Beaudreau,

21 my chief of staff, and Larry Roberts with Indian

22 Affairs. The degree of Mike Connor's involvement as

23 deputy secretary, I would expect to continue in the

24 way that it was, but I don't recall specifically who

25 was doing what as it related to this.

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1 Q. (BY MR. SEBY) So there's no surprise to

2 you that Mr. Connor was engaged -- he may not have

3 been your primary point of information, but it's no

4 surprise to you that he was engaged on the issue now

5 and at this time, late August, and would continue to

6 do so? Would not surprise you?

7 MS. STEINER: Objection; vague, compound.

8 Q. (BY MR. SEBY) Ms. Jewell?

9 A. My direct team, my chief of staff and my

10 deputy secretary and myself, had a very close working

11 relationship where we kept each other informed. It

12 would not surprise me that given his involvement that

13 you've refreshed my memory with with these e-mail

14 exchanges that he would continue to be involved.

15 (Deposition Exhibit 490 was remotely

16 introduced and provided electronically to the court

17 reporter.)

18 Q. All right. If we could turn to

19 Exhibit 490, please. And, Ms. Jewell, if you take a

20 moment and -- we can turn to the next page, which is

21 the actual e-mail itself. If you look in the "to"

22 line, this is an e-mail from Akilah Kinnison, who is

23 an attorney in a firm in Washington, D.C. -- a law

24 firm in Washington, D.C. writing an e-mail to a number

25 of Corps of Engineers individuals and an individual in

150:22-151:6
FRE 602, calls
for hearsay,
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Sally Jewell
June 02, 2022

154 to 157

<p style="text-align: right;">Page 154</p> <p>1 the department -- pardon me -- in the Executive Office 2 of the President.</p> <p>3 And then you, Ms. Jewell, are a noted 4 addressee, as so is your chief of staff, 5 Mr. Beaudreau. And Mr. Roberts is on there. And then 6 earlier you mentioned Karen Diver in the Executive 7 Office of the President. She's on there as well.</p> <p>8 And the subject of the e-mail with an 9 attachment is "Oglala Sioux Tribe Requests Halt to 10 Dakota Access Easement." And the message from 11 Ms. Kinnison, the attorney at a law firm in 12 Washington, D.C., is, Dear Assistant Secretary Darcy: 13 Attached please find the Oglala Sioux Tribe's letter 14 opposing the Dakota Access Pipeline and urging the 15 Corps not to write an easement allowing Dakota Access, 16 LLP to cross Lake Oahe.</p> <p>17 And then there's this letter signed by 18 the president of the Oglala Sioux Tribe Nation in 19 South Dakota that contains a resolution of the tribal 20 counsel. And the letter notes you as a cc as well, 21 along with the individuals from the Executive Office 22 of the President and Mr. Roberts, your assistant 23 secretary, so forth. So were you aware of this 24 letter, being a recipient?</p> <p>25 A. I don't recall a letter specifically. I</p>	<p style="text-align: right;">Page 156</p> <p>1 appreciate that. So this was more of a -- it's not 2 that it was a bad e-mail address. It just was not 3 your working e-mail address in the Department of 4 Interior?</p> <p>5 A. That's correct. It's an e-mail address 6 that was used when people wanted to reach the 7 secretary, and others would screen that before I would 8 see it.</p> <p>9 Q. I see. Do you know, is that a common 10 practice for a cabinet-level official to do that just 11 because of the nature of electronic communications 12 that come in involuntarily?</p> <p>13 A. I think -- I don't know what sort of 14 public e-mail addresses others had. I do know that 15 the e-mail addresses that I used to reach cabinet 16 colleagues were typically not an easy one to replicate 17 so that they wouldn't get overwhelmed with the 18 thousands of messages that come in daily in order to 19 be able to respond. So I suspect it was a common 20 practice, but I don't know what other cabinet 21 secretaries were doing.</p> <p>22 Q. Okay. How about the e-mail -- the person 23 transmitting the e-mail, Akilah Kinnison? Is that a 24 person that's known to you?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 155</p> <p>1 do recall that there were other tribes that were 2 supportive of the Standing Rock Sioux Tribe's 3 interest, but I don't recall this letter specifically.</p> <p>4 I'll also indicate that the e-mail 5 address that you first showed was not the e-mail 6 address that came to me personally. It was Sally, 7 underscore, Jewell, which was not the one that I used. 8 It probably went to the department and would have gone 9 to our executive secretary's office. So I'm not 10 surprised that there was a sympathetic letter sent 11 from another tribe, but I don't recall it 12 specifically.</p> <p>13 Q. So this e-mail is actually not your 14 e-mail or not -- wasn't your Department of Interior 15 e-mail address?</p> <p>16 MS. STEINER: Objection; misstates the 17 evidence.</p> <p>18 A. It says Sally, underscore, Jewell. That 19 was more of the public-facing e-mail that was checked 20 by others. So I'm just referring to that. If you go 21 to other e-mails that you've referenced before, it's 22 at SRJ2, and that's the one that I would have seen 23 personally. Others would have screened this, just so 24 that you're aware.</p> <p>25 Q. (BY MR. SEBY) Okay. Thank you. Yeah. I</p>	<p style="text-align: right;">Page 157</p> <p>1 Q. She's apparently the legal counsel for 2 the Oglala Sioux Tribe. You're not aware of her?</p> <p>3 A. (Deponent shook head from side to side.)</p> <p>4 Q. The Oglala Sioux Tribe was not foreign to 5 you, though, was it?</p> <p>6 A. It is a federally recognized tribe. I 7 don't know the people there, but, you know, it's one 8 of the plains tribes with whom my department had a 9 relationship, I'm sure.</p> <p>10 Q. So you don't know President John Yellow 11 Bird Steele?</p> <p>12 A. I can't say. I haven't met him. I may 13 have, but I don't know him. So I don't remember him 14 specifically.</p> <p>15 (Deposition Exhibit 491 was remotely 16 introduced and provided electronically to the court 17 reporter.)</p> <p>18 MR. SEBY: Sure. All right. If we could 19 turn to Exhibit 491, please. If we can enlarge this, 20 please. There we go, Rachel.</p> <p>21 Q. (BY MR. SEBY) So this is an e-mail -- 22 it's a two-piece e-mail, very brief, from Mr. Roberts 23 to you and to Tommy Beaudreau and Hilary Tompkins. 24 And it's attaching a link to a C-Span video of the 25 president speaking about the Dakota Access Pipeline.</p>

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1 Do you recall in early September when the president
2 made such a presentation and where he was?
3 A. I don't recall.
4 Q. Your response says, "Wow." So you looked
5 at the link, it's clear from your response. "Great
6 question from halfway around the world and I
7 appreciate the President's answer. Thanks for
8 sharing."
9 Would it help your recollection -- I know
10 you can't access the link while we're here, but would
11 it help you to recall what you meant from halfway
12 around the world that the President of the United
13 States was in Asia speaking to a group of people and
14 was taking questions from them?
15 MS. STEINER: Objection.
16 A. It would certainly refresh my memory if I
17 saw the video.
18 MR. SEBY: I don't know. Rachel, can we
19 access the link, play the video?
20 MS. HYMEL: I could probably do that on
21 the lunch break.
22 MR. SEBY: Why don't we come back to
23 this. And speaking of lunch breaks, it's 12:55
24 Mountain Time. Why don't we take a 40-minute lunch
25 break, Ms. Jewell, Ms. Steiner, and come back at 1:35

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1 Mountain Time, 12:35 Pacific.
2 THE DEPONENT: Does that get you back
3 your five minutes you wanted? If not, I'd suggest 30
4 minutes after the hour so we can do it on the front
5 end instead of the back end.
6 MR. SEBY: Well, that's fine with me.
7 Does that work for you, Ms. Steiner?
8 MS. STEINER: It does.
9 MR. SEBY: So we'll reconvene at 1:30
10 Mountain, 12:30 Pacific. Thank you.
11 THE VIDEOGRAPHER: Going off the record.
12 The time is 6:56 p.m. UTC, 12:56 p.m. Mountain.
13 (Recess taken, 12:56 p.m. to 1:30 p.m.)
14 THE VIDEOGRAPHER: We are back on the
15 record. The time is 7:30 p.m. UTC, 1:30 p.m.
16 Mountain.
17 Q. (BY MR. SEBY) Ms. Jewell, we're back from
18 a lunch break and it's the afternoon now. We were
19 talking about just before the break Exhibit 491 and I
20 was asking you about your response to your being sent
21 a link. I want to show you as part of the exhibit the
22 video that's at the link in the site. It's under
23 three minutes. So let's watch that together and then
24 we can talk about your response to having viewed it.
25 (At this time the video was played.)

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1 Q. Ms. Jewell, is there anything about the
2 president's remarks that we just observed while he was
3 on a trip to the country of Laos that you had in mind
4 pertaining to the Dakota Access Pipeline? Was he
5 speaking with respect to the pipeline in any specific
6 manner, in your mind?
7 A. In my mind --
8 MS. STEINER: Objection; lack
9 knowledge.
10 A. In my mind the president was speaking to
11 exactly what I've been talking about, which is laws
12 that are in place, treaty obligations, complexity,
13 importance of upholding those treaty obligations. And
14 I think he did a very good job of explaining that,
15 while also not getting into the detail as it related
16 to the Dakota Access Pipeline, saying that he wasn't
17 familiar with the details and how it related to treaty
18 obligations and laws and that he hadn't -- basically
19 relied on his staff to do that. So I think his
20 comments were very consistent with exactly what I've
21 been saying to you throughout this.
22 And it also is, I think, a very helpful
23 illustration of the role of a president and the kinds
24 of things that he gets asked and why it is important
25 to make sure that the White House knows when there are

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1 things like the Dakota Access Pipeline situation that
2 are in the news media, because even halfway around the
3 world he may get asked a question in that regard. So
4 I appreciate the video. That was very helpful. And
5 the president's remarks are very consistent with what
6 I've been saying.
7 Q. (BY MR. SEBY) So this is your exchange in
8 Exhibit 491. If we can go back to the e-mail just a
9 moment, the date of this exchange -- I don't know when
10 the president's remarks were made, but a day or two
11 prior to September 7, I believe. But your
12 correspondence with Mr. Roberts is on September 7 of
13 2016. Do you see that?
14 A. I do see that.
15 (Deposition Exhibit 492 was remotely
16 introduced and provided electronically to the court
17 reporter.)
18 Q. Okay. And if we can go to Exhibit 492,
19 please. If we could blow that up a little bit.
20 Enlarge it. Thank you. Do you see -- do you
21 recognize the individual Blake Androff?
22 A. I do.
23 Q. And he or she is who?
24 A. He was the director of communications in
25 the last few years of my term.

Sally Jewell
June 02, 2022

162 to 165

162:8-25
FRE 611

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1 Q. Okay. Is this a person who you worked
2 with closely, knew?

3 A. Yes.

4 Q. And he is sending you -- it says
5 addressed to you, copied to Mr. Beaudreau and Hilary
6 Tompkins and Katherine Kelly and Jessica Kershaw.

7 A. And Mike Connor.

8 Q. And Mike Connor. So Mr. Androff is
9 sending you, Attached is a joint statement that we'll
10 issue shortly from DOJ, U.S. Army Corps of Engineers,
11 and Interior on this afternoon's decision on the
12 Dakota Access Pipeline. Tommy and SOL -- I assume SOL
13 refers to solicitor?

14 A. Yes.

15 Q. -- can fill you in on the particulars,
16 but wanted you to see where this finally landed in
17 terms of the heavily, heavily negotiated language in
18 the statement.

19 So earlier I was asking you about the
20 September 9 statement. This e-mail is dated
21 September 9, the joint statement of the three
22 agencies. And we paused because we thought it would
23 be better to review the document together. Do you
24 remember that discussion?

25 A. I do.

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1 Q. So attached to Mr. Androff's e-mail to
2 you on September 9 saying, here's a statement we'll
3 issue shortly from the three entities, if we could go
4 to that next. It's attached to this e-mail.

5 MR. SEBY: And if you would enlarge it,
6 please, just a bit, Rachel.

7 Q. (BY MR. SEBY) Ms. Jewell, do you
8 recognize this document?

9 A. I'm sure I saw it. I don't remember it,
10 but let me read it. I'm sure that will refresh my
11 memory.

12 Q. Yeah. Please. Please refresh your
13 memory by reading it in its entirety.

14 A. Can you scroll down to the paragraph
15 saying "The Army." That's good. Thank you. Okay.
16 You can scroll down. Okay. I've read it.

17 Q. Ms. Jewell, have you read the September 9
18 joint statement in its entirety?

19 A. I have.

20 Q. Okay. So I want to ask you some
21 questions about that. Who made the decision for the
22 Department of Interior that is announced in the
23 document you just read, which is a September 9 joint
24 statement to reconsider the Army Corps of Engineers to
25 408 permissions and the nationwide permit to cross the

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1 Corps of Engineers flowage easement at Lake Sakakawea?
2 Who made the decision at the Department of Interior to
3 put the department's name on this release?

4 MS. STEINER: Objection; lack of personal
5 knowledge.

6 A. I don't know. You just mentioned Lake
7 Sakakawea, and Lake Oahe is what we're talking about
8 in this case. So I'm not sure what you're referring
9 to.

10 Q. (BY MR. SEBY) Pardon me then. I don't
11 mean to create confusion. Lake Oahe.

12 A. Okay. Sorry. So could you just ask your
13 question again, please?

14 Q. Yes. I apologize. Who made the decision
15 for the Department of Interior that's announced in
16 this joint press release of September 9 -- this
17 statement. It's not a press release. It's a joint
18 statement by three agencies, one of which, by
19 definition, includes the Department of Interior. My
20 question is, who at the department made the decision
21 to enter onto this statement?

22 MS. STEINER: Objection; lack of personal
23 knowledge.

24 Q. (BY MR. SEBY) Ms. Jewell?

25 A. We had a team working on this. I think

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1 the language drafting would have involved our counsel,
2 the solicitor's office, as well as others, but I don't
3 know specifically who reviewed this. I do know that
4 the joint statement involving three large, complicated
5 federal agencies is difficult and there's no one
6 author typically.

7 The language as referred to in
8 Mr. Androff's e-mail is a joint negotiation. So in
9 terms of -- you know, I would take accountability for
10 anything that went out under the Department of the
11 Interior's banner, but I do not recall having a
12 specific delegated person but rather a team that would
13 have been working with others on drafting something of
14 this nature. But I don't know specifically as it
15 relates to this document.

16 Q. Ms. Jewell, my question was not whether
17 there were multiple authors or the complexity of
18 reaching such an agreement for a joint statement, but
19 my question was who made the decision for the
20 Department of Interior to join it?

21 MS. STEINER: Objection; lack of personal
22 knowledge, asked and answered.

23 A. I certainly would take accountability for
24 a statement of this nature going out under the
25 Department of the Interior. I was not personally

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166:5
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401-402
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June 02, 2022

166 to 169

<p style="text-align: right;">Page 166</p> <p>1 involved in drafting the language, but I don't object</p> <p>2 to the language and respect the process and the people</p> <p>3 that were involved in pulling this together in a way</p> <p>4 that I think provided clarity to the U.S. government's</p> <p>5 position.</p> <p>6 Q. (BY MR. SEBY) Was that position something</p> <p>7 that you saw prior to it being released as a public</p> <p>8 document?</p> <p>9 MS. STEINER: Objection; vague.</p> <p>10 A. I don't recall whether I saw the language</p> <p>11 of this in advance of its publication.</p> <p>12 Q. (BY MR. SEBY) Were you aware that it was</p> <p>13 being developed with the participation of the</p> <p>14 Department of Interior team of your staff?</p> <p>15 A. You know, reading this it reminds me that</p> <p>16 we were working with these agencies. So I'm going to</p> <p>17 assume that I was aware that they were working on</p> <p>18 this, but I don't recall the specifics.</p> <p>19 Q. Okay. Do you recall who your team at the</p> <p>20 Department of Interior worked with on this -- in this</p> <p>21 heavily, heavily negotiated final document from the</p> <p>22 Department of Justice?</p> <p>23 MS. STEINER: Objection; misstates the</p> <p>24 evidence.</p> <p>25 A. As I said before, I don't know the</p>	<p style="text-align: right;">Page 168</p> <p>1 MS. STEINER: Same objection.</p> <p>2 A. I don't know, but I can surmise from the</p> <p>3 title that they were making a statement relative to a</p> <p>4 lawsuit that the Standing Rock Sioux Tribe had brought</p> <p>5 against the Corps of Engineers.</p> <p>6 Q. (BY MR. SEBY) Are you aware that on this</p> <p>7 same day a United States district judge in Washington</p> <p>8 D.C., by the name of Judge Boasberg denied a motion</p> <p>9 for preliminary injunction against the Corps that was</p> <p>10 filed by the Standing Rock Sioux Tribe, and so the</p> <p>11 United States government won. And so I want to</p> <p>12 understand from you, to the extent you know, why given</p> <p>13 that outcome, literally hours after it occurred, this</p> <p>14 statement was released, which reconsidered decisions</p> <p>15 previously made by the Corps of Engineers?</p> <p>16 MS. STEINER: Objection; misstates the</p> <p>17 evidence, lack of personal knowledge.</p> <p>18 Q. (BY MR. SEBY) I'm sorry, Ms. Jewell.</p> <p>19 Your counsel is talking over you. I didn't hear your</p> <p>20 answer.</p> <p>21 A. My answer was I don't know.</p> <p>22 (Deposition Exhibit 493 was remotely</p> <p>23 introduced and provided electronically to the court</p> <p>24 reporter.)</p> <p>25 MR. SEBY: Okay. If we could look,</p>
<p style="text-align: right;">Page 167</p> <p>1 specifics of who worked on something of this nature.</p> <p>2 I would surmise that it would involve our solicitor's</p> <p>3 office, Indian Affairs, potentially public affairs,</p> <p>4 communications, but I don't know who specifically was</p> <p>5 on the team that represented Interior in this</p> <p>6 document.</p> <p>7 Q. (BY MR. SEBY) Yeah. My question was not</p> <p>8 that. It was who did your team at Interior, whoever</p> <p>9 that was -- and I appreciate it's all those people you</p> <p>10 mentioned. Who did they work with at the Department</p> <p>11 of Justice, to your knowledge?</p> <p>12 A. I don't know.</p> <p>13 Q. How about at the Department of the Army?</p> <p>14 Who did they work with at the Department of the Army?</p> <p>15 A. I don't know that either.</p> <p>16 Q. What events or circumstances, to your</p> <p>17 knowledge, Ms. Jewell, prompted the development of</p> <p>18 this joint statement?</p> <p>19 MS. STEINER: Objection; lack of</p> <p>20 foundation.</p> <p>21 A. Sorry. Could you repeat the first half</p> <p>22 of the question again?</p> <p>23 Q. (BY MR. SEBY) Yes. It's a short</p> <p>24 question, and it's to your knowledge, what events or</p> <p>25 circumstances led to the creation of this document?</p>	<p style="text-align: right;">Page 169</p> <p>1 please, at the next Exhibit 493. If you could turn to</p> <p>2 the next page please, Rachel. If we could zoom in on</p> <p>3 the "from" and "sent" and "to" line up top.</p> <p>4 Q. (BY MR. SEBY) So this is an e-mail from</p> <p>5 an individual named Sam Hirsch at the Department of</p> <p>6 Justice on September 9. It's at 12:52 p.m., so barely</p> <p>7 afternoon on September 9. And it's sent to a large</p> <p>8 group of people at the army, the Department of</p> <p>9 Justice, and the Department of Interior. And I don't</p> <p>10 see that you're copied on this e-mail, but your chief</p> <p>11 of staff and the solicitor and Mr. Roberts are. And</p> <p>12 if we could go to the body of the e-mail, please.</p> <p>13 A. If you can hold. I'm just taking a look</p> <p>14 at this list. Thank you.</p> <p>15 Q. So the body of the e-mail, if we could go</p> <p>16 down to that, please. There you go. So Mr. Hirsch at</p> <p>17 the Department of Justice to this large multiagency</p> <p>18 distribution is sending a copy of Judge Boasberg's</p> <p>19 order and opinion denying the Standing Rock Sioux</p> <p>20 Tribe's motion for preliminary injunction entirely.</p> <p>21 And so he's letting the group know that earlier that</p> <p>22 day the court issued that order and denying the</p> <p>23 injunction request by the tribe and also attaching in</p> <p>24 the same breath the DOJ's version of the joint</p> <p>25 statement, which we will send out momentarily. My</p>

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FRE
401-402,
602, 611

170: 5-8
FRE 401-402

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1 understanding is that army and interior will send out
2 identical statements each on their own letterhead. Do
3 you see that?
4 A. I do see that.
5 Q. Do you recall being advised of Judge
6 Boasberg's order on September 9?
7 A. I don't recall that specifically, but I
8 suspect that I would have been advised.
9 Q. Okay. And that was concurrent with you
10 being advised about the joint statement that the
11 Department of Interior was about to release; correct?
12 MS. STEINER: Objection; vague.
13 A. I don't know. I don't remember
14 specifically what happened on September 9, 2016, nor
15 the times of day, as I expressed before. So I'm not
16 sure what you're getting at. I mean, I wasn't on the
17 e-mail. Clearly there were a lot of people involved
18 in that just by the number of addressees on the
19 e-mail. My --
20 (Deposition Exhibit 494 was remotely
21 introduced and provided electronically to the court
22 reporter.)
23 Q. (BY MR. SEBY) So let's go to Exhibit 494.
24 And here we have -- I'm going to have you -- ask you
25 to please read it in a moment, but I'm just going to

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1 explain what the exhibit is. It's a U.S. Department
2 of Interior news update. It's a distribution and it
3 is to your SRJ2 Interior department e-mail; correct?
4 A. That's correct.
5 Q. So you would have received this, to your
6 knowledge?
7 A. It would have gone to my e-mail.
8 Q. Yeah. And so the e-mail was sent to you
9 1:47 p.m., so not too long after Mr. Hirsch's e-mail
10 and the earlier one we talked about in the two
11 previous exhibits. You want to take a moment and read
12 what your Department of the Interior published as a
13 news release about this -- about two things, about
14 Judge -- right there, Judge Boasberg's order and the
15 joint statement.
16 A. Roll down to the top of the joint
17 statement. Scroll down to the top of that next page.
18 Thank you. Roll down, please, if there's more. Thank
19 you.
20 Q. So at least as far as you're concerned
21 and the Department of Interior is concerned, do you
22 agree with me this was the Department of the Interior
23 publication of the joint statement on September 9 of
24 2016?
25 MS. STEINER: Objection; vague, misstates

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1 the evidence.
2 A. It appears to be a joint statement. It's
3 an e-mail to me, not a statement that, you know -- I
4 mean, not in a different venue, not in a public venue,
5 but I assume this resulted in the joint statement, as
6 noted here.
7 Q. (BY MR. SEBY) So are you telling me that
8 you don't know whether or not this was actually
9 publicly issued by the Department of Interior?
10 A. I assume it was publicly issued. What
11 you're showing me is an e-mail to me. And whether it
12 went out in that format or not -- I'm assuming it did,
13 but I don't know specifically. I'm responding to the
14 exhibit in front of me, which was an e-mail to me with
15 the information attached.
16 Q. Okay. Do you have any reason to believe
17 that whomever the Interior news update was provided to
18 received something different than this e-mail, which
19 the subject line talks about joint statement, and then
20 under the symbol of each agency there's an explanatory
21 paragraph introducing the joint statement. Do you
22 have any reason to believe that that was not publicly
23 issued by the Department of Interior to all who
24 receive the Listserv Interior news updates?
25 MS. STEINER: Objection; vague, compound,

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1 lack of personal knowledge.
2 A. Could you roll to the top just so I can
3 see the e-mail. I don't have any reason to believe
4 that what actually went out was different from this.
5 I don't know who the recipients would have been --
6 Q. (BY MR. SEBY) Sure.
7 A. -- to this message.
8 Q. Sure. Did you often receive Department
9 of Interior news updates from a list service like
10 this?
11 A. I think so.
12 Q. Okay.
13 A. I got a lot of incoming messages. Yeah.
14 I'm not sure if I was on there as a Listserv recipient
15 or if this was specifically sent to me. It does look
16 like it was a Listserv. I had a lot of incoming
17 messages. I don't think I got all of them. So I'm
18 not sure.
19 Q. With respect to this communication from
20 the Department of Interior, you don't have any reason
21 to doubt its authenticity, do you?
22 A. No.
23 Q. All right. So if we could go down and
24 look at the actual language in the joint statement
25 that's here on Department of Interior letterhead,

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1 would you please look at the first paragraph?

2 A. You mean the "We appreciate the District

3 Court"?

4 Q. Yeah.

5 A. Yeah.

6 Q. "We appreciate," that's the three

7 agencies talking and expressing some manner of the

8 word "appreciation" for the district court's opinion,

9 which would be the same day, June -- pardon me --

10 September 9, 2016. And that decision, that order

11 denied a request to preliminarily enjoin the Corps

12 with respect to the DAPL crossing.

13 And the press release -- or the joint

14 statement goes on to say, However, important issues

15 raised by the Standing Rock Sioux Tribe and other

16 nations, regarding the pipeline specifically and

17 pipeline-related decision-making generally, remain.

18 Therefore, the Department of the Army, the Department

19 of Justice, and the Department of Interior will take

20 the following steps. And it talks in the first

21 paragraph after that about what the army will do or

22 won't do and goes on to talk about some other issues

23 and details.

24 And then in the one, two, three, four,

25 fifth paragraph, if we could go down to that, it says,

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1 "Finally, we fully support the rights of all Americans

2 to assemble and speak freely. We urge everyone

3 involved in protest or pipeline activities to adhere

4 to the principles of nonviolence. Of course, anyone

5 who commits violent or destructive acts may face

6 criminal sanctions from federal, tribal, state or

7 local authorities."

8 And here it says, the next sentence that

9 I want to ask you about, "The Departments of Justice

10 and the Interior will continue to deploy resources to

11 North Dakota to help state, local, and tribal

12 authorities, and the communities they serve, better

13 communicate, defuse tensions, support peaceful

14 protest, and maintain public safety."

15 So what sort of resources are you talking

16 about here?

17 MS. STEINER: Objection; lack of personal

18 knowledge.

19 Q. (BY MR. SEBY) At your Department of the

20 Interior?

21 A. Well, as you stated and I'll reiterate,

22 this is a negotiated joint statement between three

23 federal agencies and you have to assume that the

24 language is from those federal agencies collectively.

25 So with that in mind, could you ask again your

Page 176

1 question?

2 Q. The question was not what the other

3 agencies said or thought. It's about this statement

4 here that says, "The Departments of Justice and

5 Interior" -- so now it's down to two, and it

6 specifically references the agency for which you were

7 the cabinet secretary -- will continue to deploy

8 resources to North Dakota to help state, local

9 authorities.

10 A. And tribal.

11 Q. And tribal. So did you just help -- did

12 you just provide resources to help tribal or anyone

13 else that's listed there?

14 A. No. I think we were enormously helpful

15 to state and local authorities. One of the, I think,

16 very clear situations that was happening at Standing

17 Rock was the need to maintain peace and security

18 within the camp. And in general, the behavior of the

19 Bureau of Indian Affairs law enforcement officers was

20 holding people to account to be peaceful and if they

21 weren't, then they were taking appropriate action.

22 For the most part, they were trusted, and

23 I think that was very, very helpful in keeping the

24 large portions of this action peaceful. And that's, I

25 think, a very important -- that was very important to

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1 the state and very important to local governments to

2 have a significant law enforcement presence there and

3 actions that were holding people accountable.

4 Q. So that comment, I take it, just applies

5 to the protest camp or persons located on the Standing

6 Rock Sioux Tribe Reservation and nowhere else;

7 correct?

8 MS. STEINER: Objection; misstates the

9 evidence.

10 A. That's actually not what I said. I said

11 to maintain peace within the camps. I don't know the

12 extent to which they were across reservation boundary

13 or on reservation boundary when they were taking these

14 actions, and that would be something that would be

15 determined by, you know, the law enforcement folks on

16 hand there.

17 I don't know if there were formal

18 relationships that enabled them to go outside of

19 jurisdiction, but I do know they were working very,

20 very hard to keep people abiding by the law and

21 holding them accountable if they didn't.

22 Q. (BY MR. SEBY) Ms. Jewell, I just want to

23 ask you because I didn't -- or I understood you

24 earlier to have said that you had no idea where the

25 camps were located on whose property. And so with

174:6-176:1
FRE 401-402,
602, 611, calls
for hearsay, 801

176:2-177:3
FRE
401-402,
602, 611

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178 to 181

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1 respect to camps that were not on Standing Rock Sioux
2 Tribe Reservation land where the BIA was asked to be
3 the law enforcement entity, I don't understand what
4 you mean then with respect to any camp that was not
5 located on the Standing Rock Sioux Tribe Reservation
6 and this statement that you're making.

7 MS. STEINER: Objection; misstates the
8 evidence.

9 THE DEPONENT: Thank you.

10 Q. (BY MR. SEBY) Ms. Jewell?

11 A. What I'm saying is that I don't know
12 specifically whether the BIA law enforcement officers
13 were taking exactly the same actions on
14 non-reservation land as they were on reservation land,
15 nor do I know the jurisdictional arrangements they
16 might have made with authorities for those lands in
17 order to be able to carry out the law on those lands.

18 So I hope you understand, it's a question
19 of jurisdiction and where were they, and I don't know
20 the answers to that. I do know that they were working
21 very hard to keep the protests safe and peaceful
22 through their work.

23 And whether that was specifically -- I
24 mean, their role is on the reservation, but whether
25 they had been cross-deputized to go off the

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1 reservation to the extent the camp extended there and
2 took action is something you'd have to ask someone
3 that was involved in incident command that would have
4 the answer to that question. I don't know.

5 Q. (BY MR. SEBY) So who in the Department of
6 Interior that we should talk to would know the answer
7 to my question?

8 A. I would suggest Darren Cruzan.

9 Q. Okay. All right. Thank you. Do you
10 know if Mr. Cruzan had a role in drafting this
11 statement?

12 MS. STEINER: Objection; lack of personal
13 knowledge.

14 A. I don't know who drafted this statement.

15 Q. (BY MR. SEBY) I thought --

16 A. You can see his name on the long list of
17 to's, people who are addressees.

18 Q. You did, yeah.

19 A. That doesn't mean he drafted the
20 statement. That just meant that he was sent an
21 e-mail.

22 Q. Do you know if Mr. Beaudreau participated
23 in drafting the statement from the Department of
24 Interior?

25 A. I don't know.

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1 Q. This statement here that's on the screen
2 in highlighted text that we have been talking, "The
3 Departments of Justice and Interior will continue to
4 deploy resources to North Dakota to help state, local,
5 and tribal authorities, and the communities they
6 serve, better communicate, defuse tensions, support
7 peaceful protest, and maintain public safety," that's
8 on September 9, right, 2016?

9 A. Yes.

10 Q. Ms. Jewell, do you stand by that
11 statement as the former secretary of the interior at
12 the time this was released publicly?

13 A. Yes. That is consistent with my
14 understanding of what we were doing at Interior.
15 (Deposition Exhibit 495 was remotely
16 introduced and provided electronically to the court
17 reporter.)

18 Q. All right. If we could go to
19 Exhibit 495. And before we talk about this, with
20 respect to the September 9 joint statement that starts
21 off recognizing Judge Boasberg denied the tribe's
22 request for preliminary injunction, meaning they
23 couldn't show irreparable harm in the court's view,
24 did you ever read Judge Boasberg's September 9 order?

25 A. I don't recall.

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1 Q. Ever reading it?

2 MS. STEINER: Objection; asked and
3 answered.

4 A. I don't recall.

5 Q. (BY MR. SEBY) Are you aware that at a
6 status conference before the judge a few days after
7 the September 9 order and the joint statement that the
8 judge expressed confusion as to the reason behind and
9 purpose of the September 9 joint statement? Are you
10 aware of that?

11 MS. STEINER: Objection; misstates the
12 evidence, lack of personal knowledge.

13 A. I do not recall that.

14 Q. (BY MR. SEBY) Okay. If we can go to 495,
15 please. And if you would please review this e-mail,
16 it starts with an e-mail from Ms. Tracy Toulou with
17 the Department of Justice to Larry Roberts and Michael
18 Black at the Bureau of Indian Affairs. Who's
19 Mr. Black?

20 A. Mr. Black was the head of the Bureau of
21 Indian Affairs. I think the official title is
22 director of the Bureau of Indian Affairs and he
23 reported to Larry Roberts.

24 Q. Got it. So Ms. Toulou is thanking Larry
25 for pushing through the DAPL press release. This

179:5-8
FRE 106,
401-402

180:1-9
FRE
401-402

180:10-14
FRE
401-402

181:14-23
FRE
401-402

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182 to 185

181:24-182:3
FRE 401-402

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1 e-mail is dated September 9, the day after the joint
2 statement.
3 A. September 10.
4 Q. Pardon me. Yes. September -- excuse me.
5 September 10, which is a day after the September 9
6 joint statement. And she says, Thank you for pushing
7 through the DAPL press release and the underlying
8 interagency agreement. What is the underlying
9 interagency agreement?
10 MS. STEINER: Objection; lack of
11 foundation.
12 Q. (BY MR. SEBY) Ms. Jewell?
13 A. I'm reading it.
14 Q. Yeah.
15 A. I don't know what she's referring to.
16 Q. How about would you please read the rest
17 of her message before we go on to the next portion of
18 the e-mail chain.
19 A. Hold there, please. Scroll down. Okay.
20 I've read that message.
21 Q. Ms. Jewell, do you know what the mobile
22 emergency operations center is?
23 A. I don't remember specifically what it is.
24 So I'd be speculating.
25 Q. Don't do that. I just asked you if you

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1 knew what it was. So what do you make of Ms. Toulou's
2 message? She is -- is she suggesting that this -- the
3 timing and content of this release was at least in
4 part targeted to appeasing the protesters so there
5 wasn't a confrontation?
6 MS. STEINER: Objection; vague, calls for
7 speculation.
8 A. I read this message as one of deep
9 appreciation for Darren Cruzan and his team on the
10 ground for working hard to keep the peace and to
11 communicate with the protesters. That's what I read
12 in this letter.
13 Q. (BY MR. SEBY) How did Mr. Cruzan and the
14 BIA for whom he worked keep the peace in North Dakota
15 with respect to the protests against the Dakota Access
16 Pipeline? What do you mean by that specifically?
17 A. I commented a few minutes ago that the
18 BIA had -- was trusted because of the work they were
19 doing to maintain peace in the camp and keep people
20 safe. And when you have a large group of people, that
21 kind of presence is necessary.
22 Q. So is it your testimony, Ms. Jewell, that
23 as of September 10, 2016, but for the BIA, there would
24 not have been any peace?
25 MS. STEINER: Objection; misstates the

Page 184

1 evidence.
2 A. The BIA was present on September 10 and
3 had been for some time. And I believe their presence
4 was very, very important in keeping the protests as
5 peaceful as possible and keeping the people that were
6 there as safe as possible. That's what I was meaning.
7 Q. (BY MR. SEBY) And does that statement
8 apply to all areas in which protests were occurring or
9 just on the reservation?
10 MS. STEINER: Objection; vague, compound.
11 A. As I stated previously, I don't know
12 specifically whether the Bureau of Indian Affairs was
13 carrying out its duties beyond the bounds of the
14 reservation through a cross-deputization or other
15 means.
16 I do know that their presence was
17 essential in defusing tensions, in holding people
18 accountable for activities that might have broken the
19 law, but allowing them to exercise their First
20 Amendment rights, and to do that in a tense situation
21 and one where there were many, many more people than
22 what they were used to dealing with. So I think their
23 efforts were nothing short of heroic.
24 Q. (BY MR. SEBY) The question, though,
25 Ms. Jewell, is not questioning any of the BIA's

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1 efforts on the Standing Rock Sioux Tribe Reservation.
2 It's just asking you whether or not you feel that the
3 BIA presence and work yielded similar results at
4 protest camps located on other properties apart from
5 the Standing Rock Sioux Tribe Reservation?
6 MS. STEINER: Objection; vague.
7 A. I don't know whether the BIA was carrying
8 out its activities outside of the bounds of the
9 reservation, and that would be a question better asked
10 of others who were on the ground. I think they were
11 doing the best job they could to maintain the peace.
12 I don't know about the boundaries of the camp and the
13 cross-deputizations and where they were. I can't --
14 I'm not sure where you're trying to lead me. I'm just
15 telling you as much as I know.
16 Q. (BY MR. SEBY) And, Ms. Jewell, you
17 responded to this e-mail being forwarded to you from
18 the director of the Office of Tribal Justice within
19 the Department of Justice. That's Ms. Toulou,
20 according to Mr. Roberts' explanation to you. And you
21 responded thanking him and recognizing Mr. Cruzan.
22 And then you say, "The next steps in the process of
23 consultation will be really important." What were you
24 referring to?
25 A. Can you show me what you're reading,

186:17-187:10
FRE 602

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1 please?

2 Q. Yes. If we can go up in the string of

3 e-mail. Right there. It's your response to

4 Mr. Roberts. Larry, thanks for sharing this

5 information, if you'd please read that.

6 A. If you could remove that box so I can see

7 the context. Okay. Your question again, please.

8 Q. I asked you this first paragraph of your

9 note, the last sentence it says, "The next steps in

10 the process of consultation will be really important."

11 What are you referring to?

12 A. I'm sure what I'm referring to is tribal

13 consultation. Whether it's with the pipeline company

14 and the Corps, one or the other, I can't remember; but

15 it would be, I believe, the tribal consultation

16 process.

17 Q. Is it your testimony that as of

18 September 11, 2016, that that had not already taken

19 place and that you were launching a new consultation

20 process?

21 MS. STEINER: Objection; vague, compound,

22 misstates the evidence.

23 Q. (BY MR. SEBY) Ms. Jewell?

24 A. I believe that the joint statement

25 indicated that there was -- I can't remember the

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1 language, if you'd go back to that document, if you

2 want to take the time -- that there would be

3 additional consultation before the Corps would issue a

4 permit and that the request was that the construction

5 of the pipeline be paused.

6 I'm referring, I believe -- and this is

7 from my recollection -- to the tribal consultation

8 that would understand and satisfy the concerns that

9 were expressed by the tribe that had not been

10 adequately addressed.

11 Q. What do you mean by to "satisfy the

12 concerns" of the Standing Rock Sioux Tribe "that had

13 not been adequately addressed"?

14 A. Could you go back, please, to the justice

15 department exhibit?

16 Q. Are you talking about the joint

17 statement?

18 A. Yes.

19 Q. Well, it's actually a joint statement by

20 the Department of Interior.

21 A. I know. I'm trying to remember the

22 language so that I don't --

23 Q. Let's go back to Exhibit 494, which is

24 the Department of Interior publication of that joint

25 statement. And you please point out to me where

Page 188

1 you're talking about that language being present in

2 the statement?

3 MS. STEINER: And, Counsel, I would ask

4 that you not interrupt the witness.

5 Q. (BY MR. SEBY) Ms. Jewell?

6 A. Give me a minute to look at this.

7 Q. You bet.

8 A. Please go down. Please go down. Okay.

9 Is there any more? I think that's it.

10 Q. Ms. Jewell, I'm glad to have you correct

11 me, but I don't see the word "consultation" mentioned

12 anywhere in your joint statement.

13 A. There is -- if you look at the first line

14 of the second paragraph, Federal agencies are inviting

15 all tribes to formal, government-to-government

16 consultations in the fall to address how the federal

17 government can better ensure meaningful tribal input

18 into infrastructure-related investments.

19 "Consultation" appears in that first line.

20 Q. Yeah, but that's not talking about the

21 Dakota Access Pipeline. You're --

22 A. I know. I don't -- well, that's related

23 to the process by which there are consultations and

24 whether they have meaningful tribal input, which is

25 the argument that the tribe -- the Standing Rock Sioux

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1 Tribe was making here. So the reason I wanted to go

2 back to this document was to see whether consultation

3 was mentioned or whether it was implied in revisiting

4 the decisions that the Corps had made. So if you

5 could go back to the document we were reviewing before

6 this, I'd appreciate it.

7 Q. Well, I want to ask you about that

8 because -- so you're saying that your use of the word

9 "consultation" talking about satisfying the Standing

10 Rock Sioux Tribe's concerns -- your response when I

11 pointed out there's nothing in the statement itself

12 that talks about that, you are referring me to the

13 introductory statement in the paragraph of the news

14 release issued by the Department of Interior, but not

15 the statement itself; is that correct?

16 A. That is correct.

17 Q. Okay. That's what I wanted to ask you

18 about.

19 A. Excuse me. I'm talking for a second

20 here. What I'm trying to understand is you provided

21 me a brief e-mail. I'm trying to go back to the

22 context to try and figure out -- because I don't

23 remember everything exactly as it occurred in

24 September of 2016. I'm trying to figure out what I

25 meant by the word "consultation." That's what you

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190 to 193

Page 190

1 asked me. So that's why I wanted to refer back to
2 this document. So if you could go back to that, that
3 would be helpful.

4 Q. I'm sorry. Just so we're clear, you want
5 to go back to Exhibit 495?

6 A. The one that was the e-mail where I
7 referenced "consultation." I don't remember the
8 number.

9 Q. Yes. It's Exhibit 495. So this all
10 started with the last sentence in your paragraph there
11 of your e-mail of September 11. "The next steps in
12 the process of consultation will be very important."
13 I believe you're referring to the DAPL process; right?

14 MS. STEINER: Objection; vague.

15 A. I honestly -- having reread the other
16 document, I'm not sure if that's what I was referring
17 to or whether I was talking about the broader process
18 of consultation with regard to bringing tribes
19 together, which was a serious effort that we undertook
20 and resulted in a secretarial order that I issued.

21 So I don't remember specifically whether
22 I was talking about consultation with the tribe as it
23 related to the Corps' permit or whether I was talking
24 about consultation as it related to revisiting how
25 tribal consultation was conducted with input from

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1 tribes on infrastructure projects.

2 (Deposition Exhibit 420 was remotely
3 introduced and provided electronically to the court
4 reporter.)

5 Q. (BY MR. SEBY) If we could go to
6 Exhibit 420, please, and scroll ahead to the e-mail
7 itself. This is an e-mail you're not copied on here,
8 Ms. Jewell, but it's an e-mail from an individual in
9 the Corps to Major General Jackson, and Ms. Darcy is
10 listed there. And it's entitled "North Dakota
11 Delegation Letter to DOJ, DOI, Army Corps re Dakota
12 Access Pipeline."

13 And if we could go to that letter which
14 is an attachment to this e-mail, once you get past
15 these social media images, logos. So this letter,
16 Ms. Jewell, is dated September 14 of 2016 and it's
17 addressed to Loretta Lynch, the attorney general of
18 the United States; Jo-Ellen-Ellen Darcy, the assistant
19 secretary of the army for civil works; and you,
20 Ms. Sally Jewell, secretary, Department of the
21 Interior.

22 And it's on letterhead from four
23 individuals, Senator John Hoeven, Senator Heidi
24 Heitkamp, of North Dakota, both of them, and
25 Senator -- pardon me -- Congressman Kevin Cramer of

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1 North Dakota and Jack Dalrymple, the governor of the
2 state of North Dakota. Do you recall receiving this
3 letter, Ms. Jewell?

4 A. Could you please show me the content?

5 Q. Please take a moment to read it in its
6 entirety.

7 A. Please scroll down. Please scroll down.
8 Scroll down, please. Okay is there anything further
9 beside the signatures?

10 Q. No.

11 A. Okay.

12 Q. There is not. So I want to ask you about
13 this letter, Ms. Jewell. As secretary of the interior
14 as an identified addressee, do you recall receiving
15 this letter?

16 A. I believe I did see this letter.

17 Q. Do you recall discussing this with your
18 staff?

19 A. I'm sure I discussed it with my staff. I
20 don't remember the specifics of the discussion, but
21 this was a continual topic of discussion at that time.

22 Q. Do you recall discussing any follow-up
23 with respect to the message in the letter?

24 A. I don't recall specifically what our
25 follow-up was. I'm sure there was follow-up. I just

Page 193

1 don't remember specifically what it was.

2 Q. How about follow-up with respect to the
3 delegations urging you to follow through on your joint
4 release statement, meaning the September 9 statement
5 we've been talking about, to begin planning
6 immediately for cost-share reimbursement and manpower
7 that will be needed to support state and local
8 enforcement as they continue to provide public safety.
9 What was the follow-up discussed on that?

10 MS. STEINER: Objection; assumes facts
11 not in evidence, vague.

12 A. I recall my conversation with the
13 governor -- I don't recall when that took place --
14 urging him not to escalate the situation, particularly
15 by calling out the national guard or having a
16 heavy-handed response, because I was concerned about
17 that escalating the situation.

18 I don't remember when that conversation
19 took place relative to this letter on September 14,
20 but we were doing the best job we could to keep
21 tensions low and to keep associated needs for law
22 enforcement response low.

23 Q. (BY MR. SEBY) Well, I don't know when
24 your conversation was either because you have not told
25 me, but I do know that in the joint statement you,

191:5-192:3
FRE 611

193:2-22
FRE 611,
calls for
hearsay,
801

193:23-195:3
FRE 602, 611

Page 194

1 along with the Department of Justice, committed to

2 provide additional resources. And the governor and

3 the two senators and the congressman for North Dakota

4 are asking you to follow through on your commitment in

5 that letter to provide support to state and local law

6 enforcement as they continue to provide public safety.

7 So my question is, what did you do in response to that

8 request?

9 MS. STEINER: Objection; misstates the

10 evidence, lack of personal knowledge.

11 A. As I have stated on several occasions, we

12 surged as many resources from the Department of the

13 Interior that we could to maintain the peace and

14 uphold the law to the Standing Rock Reservation.

15 Those are additional resources that were provided that

16 we paid for to do our best to keep the situation as

17 peaceful as possible.

18 And as I've stated before, I'm proud of

19 that response. There was nothing that I recall

20 reading that you've shown me earlier that said that we

21 would pay for law enforcement resources expended by

22 the state, but that we would continue to work to

23 support, with resources in the joint statement,

24 correct, with the Department of Justice -- and I don't

25 know what they did -- to work with state, local,

Page 195

1 tribal entities to, you know, uphold the law and keep

2 the protests peaceful. That's what I recall reading

3 from the documents you shared with me earlier.

4 Q. (BY MR. SEBY) How about the two senators

5 and the congressman and the governor's request for a

6 meeting with you? Did you honor that request and make

7 yourself available for a meeting with the

8 congressional delegation and governor of North Dakota?

9 It's in the final paragraph of the letter.

10 A. What I see in that paragraph is they're

11 asking our departments to meet with them, not

12 specifically the individuals. I do not recall

13 personally having a meeting, but I am confident that

14 we responded to their request.

15 I would also like to add that it's not

16 uncommon for states to request reimbursement for

17 things, whether that's fighting fires or law

18 enforcement support. The request does not mean it's

19 appropriate to provide that. And so I just want to

20 point that out, that we can ask for a lot of things,

21 but whether it's appropriate to support it or whether

22 it's possible to support it is another matter

23 entirely.

24 Q. Do you recall directing your staff to

25 meet with these individuals as they requested if you

195:24-196:7
FRE 602

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1 did not do so personally?

2 MS. STEINER: Objection; misstates the

3 evidence, lack of personal knowledge.

4 A. I would not expect to have to direct my

5 staff to respond appropriately to a letter of this

6 nature. My assumption would be that they would have

7 the appropriate people respond.

8 Q. (BY MR. SEBY) And did your assumption

9 bear out with reality in terms of did they do that?

10 MS. STEINER: Objection; vague, lack of

11 personal knowledge.

12 A. I don't recall what happened.

13 Q. (BY MR. SEBY) So you don't know as we're

14 sitting here today whether or not your staff honored

15 the request by two senators, the governor, and the

16 congressman to meet with them?

17 MS. STEINER: Objection; misstates the

18 evidence, asked and answered, lack of personal

19 knowledge.

20 A. I'm confident in my staff and their

21 responsiveness to elected officials and other

22 officials. I do not recall the specifics of how they

23 may have responded or who may have responded or the

24 meetings specifically involved with that.

25 MR. SEBY: And why don't we take a short

196:8-12
FRE 602196:13-24
FRE 602, 611

Page 197

1 break of ten minutes and come back. It's been more

2 than an hour since we broke.

3 MS. STEINER: Okay.

4 THE VIDEOGRAPHER: Going off the record.

5 The time is 8:42 p.m. UTC, 2:42 p.m. Mountain.

6 (Recess taken, 2:42 p.m. to 2:52 p.m.)

7 THE VIDEOGRAPHER: We are back on the

8 record. The time is 8:52 p.m. UTC, 2:52 p.m.

9 Mountain.

10 Q. (BY MR. SEBY) Secretary Jewell, we're

11 back from a short break. And earlier I had asked you

12 about the Corps of Engineers special use permitting

13 process relative to the DAPL protests and the Standing

14 Rock Sioux Tribe request in particular for such a

15 permit. Do you recall that discussion?

16 A. I recall you asking me about it and I

17 recall me suggesting that I didn't recall much about

18 the special use permit.

19 Q. Okay. Do you recall the Department of

20 Interior, your staff, having any role in that process?

21 MS. STEINER: Objection; lack of personal

22 knowledge.

23 A. Yeah. I don't recall the process.

24 Q. (BY MR. SEBY) Do you recall your staff

25 ever speaking with you about it?

ND OBJ:
Relevance;
Introduces
new
material

Sally Jewell
June 02, 2022

198 to 201

<p style="text-align: right;">Page 198</p> <p>1 MS. STEINER: Objection; lack of personal</p> <p>2 knowledge.</p> <p>3 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>4 A. Yes. I'm thinking. I have vague</p> <p>5 recollection that there were discussions about Corps</p> <p>6 land, but I don't recall the permit process or if</p> <p>7 there was a permit process required.</p> <p>8 (Deposition Exhibit 499 was remotely</p> <p>9 introduced and provided electronically to the court</p> <p>10 reporter.)</p> <p>11 Q. Could we go to Exhibit 499, please. And,</p> <p>12 Ms. Jewell, this is an e-mail string, two e-mails,</p> <p>13 that starts with a -- and you're not copied on this,</p> <p>14 but there is an e-mail that begins from a Corps of</p> <p>15 Engineers individual Major French Pope the third to</p> <p>16 Donald Jackson, Major General Donald Jackson, and a</p> <p>17 number of other people in the Corps, including the</p> <p>18 district commander for the Omaha district and his</p> <p>19 superior officer, Brigadier General Scott Spellmon.</p> <p>20 And it provides a storyboard which the Corps created</p> <p>21 on a daily basis to report information about the</p> <p>22 protests and the pipeline circumstance.</p> <p>23 So I want to call your attention to that</p> <p>24 e-mail, and we'll look at the attachment in a moment,</p> <p>25 but if you would please read the e-mail from</p>	<p style="text-align: right;">Page 200</p> <p>1 together, the first one from Major French Pope and the</p> <p>2 second one from Major General Jackson, both reference</p> <p>3 a Corps of Engineers special use permit being approved</p> <p>4 by a number of federal agencies: Department of Army,</p> <p>5 Department of Justice, BIA, DOI, and the U.S.</p> <p>6 Attorney's Office, and the FBI. Do you see that?</p> <p>7 A. No. I see DOI, DOJ and that -- yeah.</p> <p>8 Here we go. They weren't on the right page.</p> <p>9 Q. See that sentence right there?</p> <p>10 A. I see it now. I do.</p> <p>11 Q. BLUF, today?</p> <p>12 A. Yes.</p> <p>13 Q. Right there.</p> <p>14 A. Yes, I see it.</p> <p>15 Q. Okay. So it says it there. And then if</p> <p>16 you look up in Major General Jackson's e-mail to</p> <p>17 Assistant Secretary of the Army Darcy and chief of</p> <p>18 engineers, the first sentence says, "After getting the</p> <p>19 green light from the White House and DOJ/DOI, Omaha</p> <p>20 granted the Special Use Permit request of the Standing</p> <p>21 Rock Sioux (partial...south side only)."</p> <p>22 So does that refresh your recollection</p> <p>23 any further with respect to the DOI's participation in</p> <p>24 the Corps of Engineers consideration of a special use</p> <p>25 permit for the Standing Rock Sioux Tribe for protest</p>
<p style="text-align: right;">Page 199</p> <p>1 Mr. French Pope to his Corps colleagues. And then</p> <p>2 there's an e-mail on top of that that I'll ask you to</p> <p>3 please read, too, from Major General Jackson to</p> <p>4 Ms. Darcy and Mr. -- or pardon me -- Lieutenant</p> <p>5 General Semonite, who is the chief of the Corps of</p> <p>6 Engineers at the time. If we could please start</p> <p>7 reading that first e-mail.</p> <p>8 A. Could you scroll down to the bottom of</p> <p>9 the document and then back up to the part so I can</p> <p>10 sort of make sure this is the end and then where it</p> <p>11 starts.</p> <p>12 Q. There is an attachment, as I mentioned.</p> <p>13 I think it would be better if we looked at that</p> <p>14 together after you read the text of the e-mail.</p> <p>15 A. That's fine. I'm just trying to read the</p> <p>16 e-mails in order, which would mean the bottom one</p> <p>17 first.</p> <p>18 Q. Right.</p> <p>19 A. Yeah. Scroll down, please. I'll just</p> <p>20 comment that the army is good at acronyms. Can you</p> <p>21 scroll back up to the e-mail at the top? Is that the</p> <p>22 very top?</p> <p>23 Q. Yes.</p> <p>24 A. Okay. Okay. I've read it.</p> <p>25 Q. So both e-mails that we just read</p>	<p style="text-align: right;">Page 201</p> <p>1 purposes?</p> <p>2 MS. STEINER: Objection; misstates the</p> <p>3 evidence, lack of personal knowledge.</p> <p>4 A. It does not refresh my memory because I</p> <p>5 do not recall the special use permit process, as</p> <p>6 previously indicated. It appears from this message</p> <p>7 that someone at DOI was involved. It just wasn't me</p> <p>8 personally, to my recollection.</p> <p>9 Q. (BY MR. SEBY) I appreciate you may not</p> <p>10 have been personally involved, but do you recall</p> <p>11 someone in your staff giving the green light to the</p> <p>12 Corps to proceed to purportedly issue a special use</p> <p>13 permit?</p> <p>14 MS. STEINER: Objection; misstates the</p> <p>15 evidence, lack of personal knowledge.</p> <p>16 A. As I've stated before, I don't recall</p> <p>17 anything about the special-use-permit process. It</p> <p>18 clearly states my department was involved. I</p> <p>19 appreciate that they were involved, but I don't know</p> <p>20 what process they went through, who approved it, or</p> <p>21 anything else. It's clear that people were working</p> <p>22 together.</p> <p>23 Q. (BY MR. SEBY) Okay. You don't have any</p> <p>24 reason to question these statements by the Corps</p> <p>25 individuals, do you?</p>

200:15
-201:8
FRE
106,
602

201:9-22
FRE 602,
calls for
hearsay,
801

<p style="text-align: right;">Page 202</p> <p>1 MS. STEINER: Objection; lack of personal</p> <p>2 knowledge, lack of foundation.</p> <p>3 A. These are all messages from the Corps to</p> <p>4 the Corps. So I would have no comment.</p> <p>5 (Deposition Exhibit 500 was remotely</p> <p>6 introduced and provided electronically to the court</p> <p>7 reporter.)</p> <p>8 Q. (BY MR. SEBY) Okay. if we could look at</p> <p>9 the Exhibit 500, please. There we go. There's very</p> <p>10 little to look at, Ms. Jewell, because your counsel</p> <p>11 has redacted everything in the e-mail sent to you, and</p> <p>12 actually everything in the e-mail which you sent to</p> <p>13 your senior staff -- chief of staff Mr. Beaudreau.</p> <p>14 Who is Nicole Buffa?</p> <p>15 A. Nicki Buffa was the deputy chief of staff</p> <p>16 reporting to Tommy.</p> <p>17 Q. And who is Molly Click?</p> <p>18 A. Molly was my executive assistant.</p> <p>19 Q. And Kathleen O'Leary?</p> <p>20 A. I don't recall her role.</p> <p>21 Q. What is a September 23 draft weekly?</p> <p>22 A. I believe that is my weekly communication</p> <p>23 to the White House or the department's weekly</p> <p>24 communication to the White House that I referenced</p> <p>25 earlier. So this would be the draft of what we would</p>	<p style="text-align: right;">Page 204</p> <p>1 personnel. And it is from Joel Rostberg, who at the</p> <p>2 time was the assistant emergency manager for Morton</p> <p>3 County, North Dakota.</p> <p>4 And he's writing to this group and</p> <p>5 providing an OPORD, operational period report, for</p> <p>6 September 23 through the 24th of September. And he's</p> <p>7 communicating the circumstances in the protest area,</p> <p>8 and it's passed along to -- it was addressed to</p> <p>9 individuals in the Corps that received it and they</p> <p>10 started to pass it amongst themselves. You'll see</p> <p>11 that in the forwarding of the e-mail.</p> <p>12 A. Before you go down there, are there</p> <p>13 people from Interior on this lengthy list of</p> <p>14 recipients?</p> <p>15 Q. Why don't you skim the group and see if</p> <p>16 you recognize, please, anyone from Interior.</p> <p>17 A. Okay. Go back to where I can see the</p> <p>18 very top, or maybe that's it. Okay.</p> <p>19 Q. I see a --</p> <p>20 A. Adolph Benavidez.</p> <p>21 Q. Adolph Benavidez, yes. Do you recognize</p> <p>22 that gentleman?</p> <p>23 A. I don't.</p> <p>24 Q. There's a lot of FBI and...</p> <p>25 A. There's all kinds of stuff in here.</p>
<p style="text-align: right;">Page 203</p> <p>1 have written for the week of September 23 to the White</p> <p>2 House.</p> <p>3 Q. Are any of these individuals attorneys on</p> <p>4 this e-mail?</p> <p>5 A. Tommy Beaudreau is an attorney. Nicki</p> <p>6 Buffa is an attorney. I don't know Kathleen O'Leary.</p> <p>7 Q. And in their positions of chief of staff</p> <p>8 and deputy chief of staff, is their job to provide you</p> <p>9 with legal counsel?</p> <p>10 A. No. I don't believe this is redacted for</p> <p>11 that purpose. It is communication to the President of</p> <p>12 the United States.</p> <p>13 Q. To the President of the United States or</p> <p>14 the White House?</p> <p>15 A. It's the White House, but the president</p> <p>16 saw it. That's how he was kept informed.</p> <p>17 Q. I understand. If we could go to</p> <p>18 Exhibit 318, please. Ms. Jewell, the -- I'm sorry.</p> <p>19 MR. SEBY: If we can go back to the</p> <p>20 beginning of the top of that e-mail, Exhibit 318. So</p> <p>21 I'd like to ask you, Rachel, to please go to the very</p> <p>22 bottom of this e-mail.</p> <p>23 Q. (BY MR. SEBY) So this exhibit is an</p> <p>24 e-mail chain that starts with an e-mail message to a</p> <p>25 number of federal personnel and State of North Dakota</p>	<p style="text-align: right;">Page 205</p> <p>1 Hotmail accounts, God knows what.</p> <p>2 Q. DOJ people. These are all government</p> <p>3 accounts. Many are government accounts. Excuse me.</p> <p>4 A. Not all of them, yeah.</p> <p>5 Q. Many are.</p> <p>6 A. Gmail.</p> <p>7 Q. Yes. So anyhow, it's -- we've identified</p> <p>8 together one Department of Interior individual who</p> <p>9 received it, we know. And what I want to point out to</p> <p>10 you is that the top e-mail on the string, if we could</p> <p>11 go there, please, is from Major James Startzell, who</p> <p>12 was the deputy district commander for the Omaha</p> <p>13 district of the Corps.</p> <p>14 His boss, the colonel, who was the</p> <p>15 commander of the Omaha Corps, John Henderson, who is</p> <p>16 copied here, and Major Startzell, the deputy district</p> <p>17 commander, says, Thank you, Keith. "I'll include some</p> <p>18 of the highlights in the DAPL update on Monday," but</p> <p>19 he goes on to say, All of this information from the</p> <p>20 county basically confirms the Commander's</p> <p>21 assessment -- that's Colonel Henderson, the commander</p> <p>22 of the Omaha district -- that the camps, plural, are</p> <p>23 growing out of Standing Rock Sioux Tribe's control and</p> <p>24 the chairman is probably going to try to use the</p> <p>25 special use permit as a way to regain control of what</p>

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1 he sees as legitimate protesters.
 2 So I just wanted to ask you, Ms. Jewell,
 3 are you aware that by late September of 2016, the
 4 Corps had determined that the protests on Corps land
 5 had gotten out of control?
 6 MS. STEINER: Objection; misstates the
 7 evidence, lack of personal knowledge.
 8 Q. (BY MR. SEBY) And more specifically,
 9 grown out of the Standing Rock Sioux Tribe's control?
 10 MS. STEINER: Objection; vague, misstates
 11 the evidence, lack of personal knowledge.
 12 Q. (BY MR. SEBY) Are you aware of this,
 13 Ms. Jewell?
 14 A. I'm not aware of this exchange. I am
 15 aware generally that as the protest numbers grew that
 16 it became a worry to Standing Rock Sioux Tribe in
 17 terms of, you know, how to keep it peaceful and the
 18 resources that were being required and the impacts
 19 that it was having on the environment and so on, but I
 20 can't speak to this.
 21 And I don't see the attachment, so I'm
 22 not sure what's flying back and forth with all of
 23 these -- in these e-mail strings. So it's hard to
 24 react to this in any way.
 25 Q. Let me ask you a question: Was it only

Page 207

1 the Standing Rock Sioux Tribe's responsibility to keep
 2 control of the protests?
 3 MS. STEINER: Objection; calls for
 4 speculation, lack of personal knowledge.
 5 Q. (BY MR. SEBY) Ms. Jewell?
 6 A. As stated before, I believe the BIA had
 7 responsibility to try and maintain peace in the camps
 8 to the extent that they could. I can't speak to, you
 9 know, the Corps' responsibility, the state's
 10 responsibility, or, you know, what the lands were that
 11 they were on. So we're getting out of an area where
 12 I've got direct knowledge.
 13 (Deposition Exhibit 501 was remotely
 14 introduced and provided electronically to the court
 15 reporter.)
 16 Q. Okay. That's the question. I appreciate
 17 the answer. So if we could go to exhibit marked 501.
 18 So excuse me. This is an e-mail from an individual
 19 whose name is Lowry Crook. Do you recall Mr. Crook?
 20 A. No, I don't.
 21 Q. His position was principal deputy to the
 22 assistant secretary of the army, Ms. Darcy, but in any
 23 event, he is sending this e-mail to individuals in the
 24 Executive Office of the White House -- pardon me, the
 25 Executive Office of the President; I misspoke -- and

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1 individuals in the DOJ. And then in addition to that
 2 group, Mr. Beaudreau, Ms. Tompkins, and Mr. Lawrence
 3 are receiving this e-mail, along with an individual
 4 from the counsel on environmental quality.
 5 And it says "DAPL Storyboard 16
 6 September 2016." And it says "Map of Oahe crossing
 7 area," and, "The narrative in the attachment is from
 8 last Friday," Mr. Crook says, "but for your
 9 situational awareness" -- is what I've learned that
 10 acronym is meant to sound -- "here's the map of the
 11 area that we are using."
 12 MR. SEBY: So could we look at the map
 13 together. And could you rotate it, Rachel, by chance,
 14 please. Excellent.
 15 Q. (BY MR. SEBY) So, again, at the bottom of
 16 the map, you'll see that it's dated September 16 of
 17 2016. It says in a box underneath the map,
 18 "Commander's Assessment. Based on personal
 19 correspondence with Chairman Archambault it is
 20 expected that the SRST will favorably receive the
 21 special use permit." And in the narrative on the
 22 right of the map there's a section that refers to last
 23 24 hours, which I believe means last 24 hours. And it
 24 says, Department of Army, DOJ, BIA, DOI, U.S.
 25 Attorney's Office, and FBI approved special use permit

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1 allowing free speech zone on Corps property south of
 2 Cannonball River.
 3 MR. SEBY: Okay. If we could look at the
 4 legend of the map and the map itself together, that
 5 would be great. Any chance a little greater -- that's
 6 great. A little bit more, Rachel, if possible.
 7 MS. HYMEL: That's it.
 8 Q. (BY MR. SEBY) Okay. Ms. Jewell, can you
 9 see that? I can see it.
 10 A. Yeah. Can you help me understand what
 11 specific parts you want me to see? Some of the words
 12 aren't particularly clear, but I think I get the
 13 overall gist.
 14 Q. Right. So let's go to the legend for
 15 that rule. And in the legend it says -- it shows
 16 where the pipeline is in that pink line in the
 17 northern part of the map where it crosses the river.
 18 And then there is a line which marks a blue hashmark
 19 line which marks the Corps of Engineers property. Do
 20 you see that?
 21 A. That's the little dotted line that goes
 22 around the rivers?
 23 Q. That's the Corps of Engineers property,
 24 per this map.
 25 A. Okay.

206:25-207:12
FRE 602, 701

Sally Jewell
June 02, 2022

210 to 213

<p style="text-align: right;">Page 210</p> <p>1 Q. And then there is a red hashmark that</p> <p>2 denotes, quote, un-permitted camp areas. And you see</p> <p>3 that it's --</p> <p>4 A. Yes, I see it.</p> <p>5 Q. Okay. And that white water body that</p> <p>6 goes through it marked "Cannonball River," do you see</p> <p>7 that?</p> <p>8 A. I do.</p> <p>9 Q. Okay. So the Corps legend here is</p> <p>10 showing us un-permitted camp areas both north of the</p> <p>11 Cannonball River and south of the Cannonball River.</p> <p>12 Do you see that?</p> <p>13 MS. STEINER: Objection; lack of</p> <p>14 foundation.</p> <p>15 Q. (BY MR. SEBY) I'm sorry. Ms. Jewell,</p> <p>16 your answer was interrupted by your counsel. What was</p> <p>17 your answer?</p> <p>18 A. I'd like my counsel's objection because I</p> <p>19 didn't hear it. If she could do that first and then</p> <p>20 I'll answer.</p> <p>21 MS. STEINER: Objection; lack of</p> <p>22 foundation, personal knowledge, misstates the</p> <p>23 evidence.</p> <p>24 Q. (BY MR. SEBY) Ms. Jewell, we're looking</p> <p>25 at a Corps of Engineers map and I'm asking you if you</p>	<p style="text-align: right;">Page 212</p> <p>1 MS. STEINER: Objection; lack of</p> <p>2 foundation.</p> <p>3 A. I don't recall seeing this map at all.</p> <p>4 (Deposition Exhibit 502 was remotely</p> <p>5 introduced and provided electronically to the court</p> <p>6 reporter.)</p> <p>7 Q. (BY MR. SEBY) All right. If we could go</p> <p>8 to Exhibit 502. This is a calendar invite that was</p> <p>9 sent by an individual in the Department of Justice,</p> <p>10 Sam Hirsch, on Thursday, September 22. And he sent it</p> <p>11 to a number of individuals who have standingrock.org</p> <p>12 in their e-mail address, including Dave Archambault</p> <p>13 and William Perry. Do you know an individual by the</p> <p>14 name of William perry?</p> <p>15 A. His name is familiar. I don't recall</p> <p>16 why.</p> <p>17 Q. Okay. And it's also sent to Ms. Darcy.</p> <p>18 And why we're talking about it is because</p> <p>19 Mr. Beaudreau and Mr. Roberts and Ms. Tompkins of your</p> <p>20 staff are on here, along with other individuals. And</p> <p>21 it says "Meeting with Standing Rock Sioux Tribe." And</p> <p>22 this is a calendar invite requesting a meeting on</p> <p>23 September 23, the following day, for two hours --</p> <p>24 scheduled for two hours. And the subject of the</p> <p>25 meeting is "Meeting with Standing Rock Sioux Tribe."</p>
<p style="text-align: right;">Page 211</p> <p>1 understand the legend to show the Corps is telling us</p> <p>2 that there are un-permitted camp areas both north and</p> <p>3 south of the Cannonball River?</p> <p>4 MS. STEINER: Objection; misstates the</p> <p>5 evidence, lack of foundation.</p> <p>6 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>7 A. I can respond to what you're showing me</p> <p>8 on the screen.</p> <p>9 Q. That's all I'm asking you about.</p> <p>10 A. If north is up, then there is a</p> <p>11 crosshatched area north of the river and there is a</p> <p>12 crosshatched area south of the river.</p> <p>13 Q. Okay. If you look at the upper left-hand</p> <p>14 corner of this image that we're looking at, the Corps</p> <p>15 of Engineers map, that tells us that indeed it is</p> <p>16 north; correct?</p> <p>17 MS. STEINER: Objection; lack of</p> <p>18 foundation, misstates the evidence.</p> <p>19 A. That's generally what one will assume</p> <p>20 when looking at a map.</p> <p>21 Q. (BY MR. SEBY) Right. And the Corps has</p> <p>22 done that for us by putting that black marker up. All</p> <p>23 right. So your staff was aware of the Corps' map at</p> <p>24 least because they received the e-mail. Did anyone</p> <p>25 discuss this with you, the map?</p>	<p style="text-align: right;">Page 213</p> <p>1 And it was at the main justice building in Washington,</p> <p>2 D.C. And do you recall your staff going to this</p> <p>3 meeting?</p> <p>4 MS. STEINER: Objection; lack of</p> <p>5 foundation.</p> <p>6 A. I don't recall this meeting specifically.</p> <p>7 I also will note that there is a conference code. So</p> <p>8 I don't think it's fair to make the assumption that</p> <p>9 everyone was there in person.</p> <p>10 Q. (BY MR. SEBY) Right. There was a</p> <p>11 conference code provided. And so you're right, it's</p> <p>12 possible people could dial in, but the location says</p> <p>13 "main justice building" in a specific room and then it</p> <p>14 provides a conference call. Is it possible some</p> <p>15 people participated by phone and others met in person?</p> <p>16 MS. STEINER: Objection; calls for</p> <p>17 speculation.</p> <p>18 A. I don't -- I wasn't invited and I don't</p> <p>19 recall this specific meeting. I think it is fair to</p> <p>20 assume that it's not uncommon practice, particularly</p> <p>21 when they're long distances, that some people</p> <p>22 participate in person and some by phone.</p> <p>23 (Deposition Exhibit 504 was remotely</p> <p>24 introduced and provided electronically to the court</p> <p>25 reporter.)</p>

212:7-16
FRE
401-402,
602

212:17-
213:9
FRE
401-402,
602

214:1-13
FRE 106,
401-402, 602

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1 Q. (BY MR. SEBY) So if we could go to

2 Exhibit 504, please. And turn to the e-mail itself.

3 So this is an e-mail that was sent by a person in the

4 Army Corps to Ms. Darcy, Ms. Jo-Ellen-Ellen Darcy, the

5 assistant secretary of the army for civil works. And

6 the subject matter says "Obama agencies schedule

7 tribal meetings amid Dakota Access controversy." And

8 I can't tell you who wrote the article that's copied

9 in here authored by Elana Schor because it's not

10 provided to us in the document that was produced by

11 your counsel. This is a document that came from the

12 Department of the Army, but would you take a moment

13 and read that article, please.

14 A. So I am to assume this is an article

15 written by a third party that has nothing to do with

16 government?

17 Q. I would agree with you that it's an

18 article written by a third party, but I don't know if

19 we should make that statement before you actually read

20 it, because it purports to talk about "Obama agencies

21 scheduled tribal meetings amid Dakota Access

22 controversy." At least the subject line that the

23 Corps used says that, but I'd like you to read the

24 article and then I want to ask you about it.

25 A. Is there anything below what I see here

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1 or is that it? Could you go back up to the title?

2 Okay. I've read it.

3 Q. Do you ever recall seeing this article at

4 any time?

5 A. I don't.

6 Q. Okay. I want to ask you about your

7 reaction to the content of the article. The first

8 paragraph talks about the administration, it says,

9 scheduled a series of consultations with Native

10 American tribes that will run through November to

11 discuss infrastructure permitting concerns that have

12 flared up following protests against the Dakota Access

13 Pipeline, although the project's fate could be settled

14 before the meetings are complete.

15 Is there anything inaccurate in that

16 paragraph?

17 MS. STEINER: Objection; lack of personal

18 knowledge.

19 A. As I've read that paragraph, I think that

20 the comment -- that there's a conflation, in my view,

21 in the way it's written of the Dakota Access Pipeline

22 and the consultation around the process with

23 infrastructure projects and, you know, whether the

24 tribal consultations are accurate. So I think there's

25 a conflation there in the first paragraph that might

215:6-216:1
FRE 401-402,
602, 611

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1 be a little misleading. And as I --

2 Q. (BY MR. SEBY) Could you elaborate on what

3 the conflation is?

4 A. The author, whomever it is and for

5 whatever publication, says that they're scheduling a

6 series of consultations with tribes through November

7 to discuss infrastructure permitting concerns that

8 have flared up following protests, et cetera.

9 The Dakota Access Pipeline, in my view,

10 was an example of an inadequate process of tribal

11 consultation, but it was not the sole reason for going

12 through a process of working with tribes to say how is

13 the process working for you, should it be changed,

14 does it involve changing the law or does it more

15 involve changing the practices. So that's what I

16 meant.

17 Q. Okay. All right. And then the second

18 paragraph says, "In an announcement ahead of the White

19 House's Tribal Nations Summit that is set to begin

20 Monday" -- this e-mail at least is on a Friday and the

21 article is dated the same day, Friday, the 23rd. This

22 article says that the summit is set to begin Monday.

23 The Interior Department, Department of Justice, and

24 the Army Corps scheduled six public meetings with

25 tribal representatives in Montana, Minnesota, New

216:2-16
FRE
401-402,
602, 801

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1 Mexico, South Dakota, Washington, and Arizona. Not

2 listed is North Dakota, but I wanted to ask you about

3 the third paragraph. Is that accurate, in your

4 opinion?

5 MS. STEINER: Objection; lack of personal

6 knowledge.

7 A. I believe that the issues are independent

8 of each other. The tribal consultation process was

9 something that we were looking to review. And as I

10 mentioned, I issued a secretarial order. As you'll

11 recall, this is in the last six months of President

12 Obama's term. So I think it is fair to say that, as

13 they quote an Interior spokeswoman, that the projects

14 are separate, that it's proceeding on a different

15 track and timeline. And I think that's accurate.

16 Q. (BY MR. SEBY) Okay.

17 A. They were independent.

18 Q. In your opinion, Ms. Jewell, did you and

19 the rest of your staff continue to maintain and

20 enforce that difference?

21 MS. STEINER: Objection; vague, lack of

22 personal knowledge.

23 Q. (BY MR. SEBY) Ms. Jewell?

24 A. I stated previously the processes were

25 separate. One was a review of the effectiveness of

<p style="text-align: right;">Page 218</p> <p>1 the tribal consultation process. The other was</p> <p>2 related to a specific project, the Dakota Access</p> <p>3 Pipeline. So the two were not conflated. They were</p> <p>4 separate.</p> <p>5 Q. Was one waiting for the outcome of the</p> <p>6 other?</p> <p>7 A. No.</p> <p>8 Q. Okay. Totally independent of each other?</p> <p>9 MS. STEINER: Objection; misstates the</p> <p>10 evidence.</p> <p>11 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>12 A. As I said before, the Dakota Access</p> <p>13 Pipeline was a highly visible example of where we</p> <p>14 believed there were challenges with the tribal</p> <p>15 consultation process, but there are many, many other</p> <p>16 examples.</p> <p>17 And you referenced the locations. Many</p> <p>18 of the larger reservations happen in the west, and</p> <p>19 those are regionally located to try and make it</p> <p>20 convenient for tribes in those regions to participate</p> <p>21 because of the nature of the infrastructure projects</p> <p>22 that happen around the country. That's where they are</p> <p>23 dominant.</p> <p>24 Q. The holding of many meetings -- public</p> <p>25 meetings and doing so in six states was independent of</p>	<p style="text-align: right;">Page 220</p> <p>1 consultation is not mentioned in that statement, but</p> <p>2 you made very clear that the Department of Interior</p> <p>3 intended that's exactly the reason why you hit the</p> <p>4 pause button and joined the September 9 joint</p> <p>5 statement. So what process were you using, apart from</p> <p>6 this wholesale programmatic review of consultation on</p> <p>7 infrastructure projects?</p> <p>8 MS. STEINER: Objection; misstates the</p> <p>9 evidence, assumes facts not evidence, vague, and</p> <p>10 compound.</p> <p>11 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>12 A. The joint statement, as I remember it,</p> <p>13 referred to the decision-making process. There are</p> <p>14 multiple issues, I believe, in the Dakota Access</p> <p>15 Pipeline involved in the decision-making process, one</p> <p>16 of which was a sense by the Standing Rock Sioux Tribe</p> <p>17 that the consultation process had been inadequate; in</p> <p>18 addition to that, that the environmental assessment</p> <p>19 had been inadequate relative to the risk to Lake Oahe</p> <p>20 and the water supply for downstream users, including</p> <p>21 the tribe, for that crossing, which was much longer --</p> <p>22 and if you recall that map, much longer water-based</p> <p>23 crossing than would have been the case had it gone</p> <p>24 further upstream on the river where there would have</p> <p>25 been less risk. So the joint statement, as you shared</p>
<p style="text-align: right;">Page 219</p> <p>1 the -- that was a programmatic approach to tribal</p> <p>2 consultation issues; correct?</p> <p>3 MS. STEINER: Objection; misstates the</p> <p>4 evidence.</p> <p>5 A. We felt that there have been challenges</p> <p>6 with how the tribal consultation process worked and</p> <p>7 the tribes -- many tribes over my entire time at</p> <p>8 Interior had expressed frustrations with the tribal</p> <p>9 consultation process. So it was an independent --</p> <p>10 it's an effort independent of DAPL, Dakota Access</p> <p>11 Pipeline, to take a look at the process and see if</p> <p>12 there were some things that we could clean up during</p> <p>13 the remainder of our term that would help clarify that</p> <p>14 process for federal agencies, tribes, and any others</p> <p>15 that might be involved in consultations with tribes.</p> <p>16 Q. (BY MR. SEBY) So I'm trying to</p> <p>17 understand, Ms. Jewell, what's the relationship</p> <p>18 between that process and the timing that you just</p> <p>19 mentioned with respect to whatever process you felt</p> <p>20 was necessary to employ pursuant to your September 9</p> <p>21 joint statement with regards specifically to DAPL?</p> <p>22 MS. STEINER: Objection; vague.</p> <p>23 Q. (BY MR. SEBY) Because you talked about</p> <p>24 consultation when we were talking about the content</p> <p>25 and phrasing of the September 9 statement, and</p>	<p style="text-align: right;">Page 221</p> <p>1 with me, talked about the decision-making process, but</p> <p>2 it was broader than just tribal consultation.</p> <p>3 Q. So are you getting at one of the reasons</p> <p>4 for the joint statement on September 9 was to review</p> <p>5 the location of the crossing?</p> <p>6 A. My understanding is the review was to</p> <p>7 determine whether an appropriate decision was made by</p> <p>8 the Army Corps to permit the crossing. There could be</p> <p>9 a number of outcomes to that, but that was -- they</p> <p>10 were revisiting that process of decision-making. And</p> <p>11 what I'm suggesting is that there were multiple</p> <p>12 concerns that were expressed with regard to that</p> <p>13 decision whether there was adequate NEPA assessment,</p> <p>14 as well as whether there was adequate tribal</p> <p>15 consultation.</p> <p>16 Q. So the adequacy of tribal consultation</p> <p>17 was one of the objectives of the September 9 joint</p> <p>18 statement, even though it doesn't say it anywhere in</p> <p>19 it; is that correct?</p> <p>20 MS. STEINER: Objection; misstates the</p> <p>21 evidence.</p> <p>22 A. The statement is what the statement is,</p> <p>23 which is that they felt they needed to review the</p> <p>24 decision-making process. It's the Army Corps'</p> <p>25 decision-making process. You know, I recall reports</p>

221:
3-15
FRE
401-402,
602

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1 back to me of concerns about both NEPA, National
2 Environmental Policy Act, compliance as well as tribal
3 consultation, but the decision and the process rested
4 in the hands of the Army Corps.

5 (Deposition Exhibit 507 was remotely
6 introduced and provided electronically to the court
7 reporter.)

8 Q. (BY MR. SEBY) Okay. So if we could go
9 to, please, Exhibit 507. And go to the e-mail string
10 itself. Ms. Jewell, this is a lengthy e-mail string,
11 probably the worst one we'll look at today, at least
12 getting it up and addressed. Do you want to read the
13 whole thing?

14 A. I think if you want me to comment on it,
15 I need to know the context.

16 Q. Yes. I'm just -- I want to offer that to
17 you. And, of course, go to the bottom, which is an
18 e-mail from Colonel John Henderson, the district
19 commander, U.S. Army Corps of Engineers, Omaha
20 district. If you would please start there.

21 A. And who's it from?

22 Q. I just told you. It's Colonel John
23 Henderson.

24 A. That's who it's from. Okay. No. Okay.
25 I see. And who's it to?

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1 Q. It's to Brigadier General Scott Spellmon
2 and Major General Donald Jackson.

3 A. It's all in the Army Corps. What
4 happened? Okay. Scroll down to item 4, please. Okay
5 I've read it relatively quickly.

6 Q. I don't want you to be rushed, so take
7 your time.

8 A. Well, I may refer back to it depending on
9 where you want to go with the questions.

10 Q. Okay. So let's go to the next e-mail up,
11 which is Brigadier General Scott Spellmon, who's the
12 commander of the northwest division, which encompasses
13 several districts of the Corps. So he's, you know, a
14 pretty significant Corps of Engineers person,
15 Brigadier General Scott Spellmon. He's responding
16 to -- forwarding Colonel Henderson's e-mail to the
17 chief of engineers, Todd Semonite, copied to Major
18 Jackson. And he's saying to the chief -- he addresses
19 the chief by, sir, forwarding that note. If you would
20 read that, please.

21 A. Okay.

22 Q. Keep going down.

23 A. Go down to the "sir" below two. Okay.
24 Okay.

25 Q. Have you finished reading that e-mail

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1 from Mr. Brigadier General Spellmon?

2 A. Yes.

3 Q. Okay. Now, one more to go. There's one
4 above it from Major General Donald Jackson. He
5 forwards that whole chain on to Lowry Crook, who, as
6 we talked about before, is the principal deputy to
7 Ms. Darcy.

8 A. Okay. Okay.

9 Q. You done?

10 A. I am.

11 Q. Okay. Ms. Jewell, the date of the top
12 e-mail is September 30, 2016. Do you recall the date
13 of your speech at the White House Tribal Nations
14 Council?

15 A. I don't recall. You'd have to refresh my
16 memory. It typically was later than that.

17 Q. Okay. Okay. In Brigadier General
18 Spellmon's e-mail to the chief of engineers and Major
19 General Jackson --

20 A. If you could scroll down to that, that
21 would be helpful. Is that it? Okay.

22 Q. He says a couple of things I'd like to
23 ask you about. He says that Colonel Henderson needs
24 support from a regional and national perspective if
25 his efforts on the ground are going to gain momentum

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1 and succeed. And I believe generally it's fair to
2 characterize his efforts as trying to negotiate a
3 resolution to the protests on Corps property.

4 A. If your assistant is looking for that, go
5 back up. Keep going. There.

6 Q. There, "in the interim," that's where I
7 was referring to.

8 A. Yeah. Hold there.

9 Q. And so that's what he says, John's plan,
10 Colonel Henderson's plan, to the current way forward
11 on the DAPL encampments. And so he's talking about
12 working with Chairman Archambault on that effort. And
13 he says Colonel Henderson's plan needs support from a
14 regional and national perspective and that, you know,
15 there are real issues in the field, if we go down
16 below the redacted box. And the next paragraph he
17 says, "So, to support John's immediate plan at the MSC
18 level." Do you know what MSC level means?

19 A. I don't.

20 Q. Okay. "We will be working more with DOI
21 regional staff" -- that's Department of Interior
22 regional staff -- "counterparts to focus on safety and
23 security for all involved, while the larger issues on
24 tribal affairs are adjudicated nationally."
25 And Brigadier General Spellmon -- if you

225:20-227:15
FRE 106,
401-402, 602,
611, 801

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1 go down to "At the HQ level, HQs plural, We would
2 ask," this is the Corps of Engineers, Brigadier
3 General Spellmon, the head of the northwest division,
4 and Colonel Henderson, the district. "We would ask:
5 To be consulted on any potential future interagency
6 memos/releases. (this is happening -- thanks to Major
7 General Jackson and Mr. Crook)."

8 And the second one he says, I know this
9 is a tall order, but above HQ headquarters we must
10 achieve some alignment on the way ahead at the
11 secretariat level. This will likely require your
12 engagement. For example, the Department of Interior's
13 comments at the White House earlier this week
14 regarding, quote, check-the-box consultation are not
15 helpful for those in the field. The statement is not
16 factual in the case of DAPL, but it gets repeated in
17 social media and becomes perceived fact, further
18 emboldening the more extreme factions. Major General
19 Jackson is doing some heavy lifting here with
20 Mr. Crook.

21 And then the next paragraph, Sir, I'll
22 end this request with guidance you may have. It would
23 be most welcome as this has been a challenge on many
24 fronts. While we may disagree with our federal
25 partners on the quality of consultation, I think we

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1 can all agree on safety, which may help us move
2 forward.

3 So do you recall earlier in the
4 deposition you used the phrase, quote, check-the-box
5 block consultation, or check the box? Maybe you said
6 box. Do you recall that, Ms. Jewell?

7 MS. STEINER: Objection; misstates the
8 evidence.

9 A. I do recall, I believe, saying that one
10 of the concerns that was consistently expressed by
11 tribes was that tribal consultation was a
12 check-the-box exercise and not an authentic process of
13 actually listening to and responding to the concerns
14 expressed by the tribe. And that was something that I
15 consistently heard across Indian country.

16 Q. (BY MR. SEBY) The Brigadier General
17 Spellmon and Colonel Henderson are reacting to the use
18 of that phrase in the context of DAPL and they're
19 attributing the statement to Department of Interior
20 making a comment at the White House earlier this week.
21 Do you know who that was?

22 MS. STEINER: Objection; lack of personal
23 knowledge, misstates the evidence.

24 A. I don't. I don't know the timing of, you
25 know, conversations that happened at that point. I

227:16-228:5
FRE 401-402,
602, 611

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1 will say that the use of "check-the-box exercise" with
2 regard to tribal consultation is quite common and I
3 think that it's not inaccurate frequently, from what I
4 observed during my time as secretary of the interior.
5 Not specific to DAPL, but just in general.

6 Q. (BY MR. SEBY) Okay. The question was, do
7 you know who the person who is purported to be a
8 Department of Interior person making comments at the
9 White House earlier in the week of September 29?

10 A. I don't know who that is or what the
11 meeting is they were referring to, no.

12 Q. Okay. All right. Thank you. And then
13 with respect to Major General Jackson's taking that
14 e-mail string and forwarding it to Mr. Crook, who's
15 the principal deputy for Ms. Darcy, Major General
16 Jackson is explaining to Mr. Crook that he's meeting
17 with the chief of engineers and team this morning and
18 reports that General Spellmon and Colonel Henderson
19 are on the ground next week.

20 And "FYI, as we continue to work with
21 tribes on a variety of issues, they are no longer
22 accepting of consultation. They now say for future
23 action we will require their consent. Dave Ponganis
24 walked me through this new dynamic last night. Please
25 ensure those with whom you are working in the White

228:12-
229:22
FRE
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602, 611,
801

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1 House understand this unintended consequence. While I
2 am certainly open to refinement across the board in
3 how the Feds consult, not sure we can ever gain
4 consent, especially among the multitude of Tribes with
5 vastly different views of the world."

6 What is your reaction to that statement,
7 Ms. Jewell?

8 MS. STEINER: Objection; lack of
9 foundation.

10 A. I am speculating here. It is common in a
11 negotiating process to state an objective that may be
12 beyond what you expect that you might receive. The
13 notion of informed consent is something that tribes
14 have talked about, and that has oftentimes been done
15 in the context of raising objections in a consultation
16 process that were not respected.

17 So I have heard tribes for a long time
18 talk about their desire to have prior informed consent
19 on projects. And as we initiated the process of
20 listening to tribes, those are concepts that were
21 raised, not dissimilar from the kinds of positions
22 that one might take in a negotiation.

23 (Deposition Exhibit 505 was remotely
24 introduced and provided electronically to the court
25 reporter.)

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230 to 233

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1 Q. (BY MR. SEBY) Okay. If we could go to
2 Exhibit 505. And earlier when we were talking about
3 the Exhibit 507 just now, there was a reference by
4 Colonel Henderson to DOI remarks being made at the
5 White House. And the date of that e-mail, referring
6 to it earlier in the week was -- let's just refresh
7 that. It was -- Spellmon's e-mail is Thursday,
8 September 29, 2016, if you'd remember that date for a
9 moment, because he says earlier in the week from that
10 date -- DOI's comments at the White House earlier this
11 week regarding check-the-block consultation are not
12 helpful for those in the field. He's referring to the
13 DAPL protest field.
14 So if we look at Exhibit 505, the
15 document -- before we look at the actual document, the
16 title of the subject is "SJ TNC speech -- red line and
17 latest version clean." Would that be Sally Jewell
18 Tribal Nations Conference speech, Ms. Jewell?
19 A. Yes, but I want to comment on something,
20 if I may, from your last -- our last exchange
21 regarding that document.
22 Q. Sure.
23 A. You focused in on one area, which was
24 this consultation and consent. The lion's share of
25 that letter was around safety and security. And so it

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1 was not clear to me in reading a Corps letter whether
2 they were talking about the process of the Dakota
3 Access Pipeline permit.
4 What I read in that letter was they were
5 concerned about safety and security and different --
6 and Chairman Archambault's concerns about some
7 non-tribal factions. I can't remember if that's the
8 term that was used.
9 So I just want to point out that there
10 was a lot more in that exchange. And I read that as
11 how do we keep people safe and how do we wind this
12 down, because winter is coming on.
13 And I believe the other issue, which was
14 not explicitly mentioned, was the potential of
15 flooding and the risk to people in terms of their
16 present location. So I just want you to know that you
17 picked up one area of that exchange, but I read that
18 whole exchange as how do we work with the tribe and
19 how do we keep people safe to over time enable these
20 protests to dissipate.
21 Q. Okay.
22 A. Okay. Thank you.
23 Q. So, again, the date of Brigadier General
24 Spellmon's e-mail was September 29, and he's
25 referencing earlier that week remarks made at the

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1 White House by a Department of Interior person.
2 A. Correct.
3 Q. And now we're talking about Exhibit 505.
4 And my question to you before you provided that
5 clarification was "SJ TNC speech," is that Sally
6 Jewell Tribal Nations Council speech?
7 A. Tribal Nations Conference.
8 Q. Conference.
9 A. That's correct.
10 Q. And the attachment is White House Tribal
11 Nations Conference remarks?
12 A. Yes.
13 Q. With Sally Jewell. TPB, is that Tommy --
14 Tommy Beaudreau, my chief of staff.
15 Q. Sure. So in here, this Exhibit 505,
16 you -- the date of this e-mail is September 25. You
17 are providing latest versions of my speech, you say,
18 incorporating some of the changes, et cetera. So if
19 we look at the attachment, which is a version of the
20 remarks -- thank you -- at the top there it says,
21 "Remarks U.S. Secretary of the Interior Sally Jewell
22 8th White House Tribal Nations Conference
23 September 26, 2015."
24 So are you the person who spoke at the
25 White House earlier in the week prior to September 29

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1 that Brigadier General Spellmon is talking about?
2 MS. STEINER: Objection; assumes facts.
3 Q. (BY MR. SEBY) Your counsel interrupted
4 you again, Ms. Jewell. What were you saying?
5 A. I just reflected that that says 2015.
6 Q. Okay. Well, the e-mail attaching the
7 redline document very clearly says 2016. So would you
8 agree with me that's a typo?
9 A. I'd need to read the content to see if
10 it's reflective of the period.
11 Q. If we can scroll back up, though, before
12 we do that into the body of the e-mail and blow that
13 up, please. "Here is the latest version of my
14 speech." On September 25, 2016, you're passing that
15 back to your chief of staff and Mr. Roberts and
16 Ms. Tompkins and Ms. Kershaw.
17 A. Okay.
18 Q. So are you telling me that you're
19 questioning whether or not the prior -- the
20 attachment's got a typo in it or not?
21 A. No, I'm not. I just noticed that when I
22 saw it and, you know, you're telling me these
23 documents were attached, but, you know, I'm not seeing
24 the actual entity. So I'm just pointing out that
25 there was 2015 at the top of that.

232:3-9
FRE 401-402
232:10-12
FRE 401-402

233:11-17
FRE 401-402

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234 to 237

<p style="text-align: right;">Page 234</p> <p>1 Q. Okay. I have an idea. Let's go to the</p> <p>2 Bates number, bottom of the page of the initial e-mail</p> <p>3 that is from you to these individuals.</p> <p>4 MR. SEBY: And, Rachel, if we can move</p> <p>5 that over so it's not blocked by the side screen.</p> <p>6 A. It's not blocked on my upper screen.</p> <p>7 Q. (BY MR. SEBY) Okay. So do you see the</p> <p>8 number in the bottom right-hand corner?</p> <p>9 A. I do.</p> <p>10 Q. It says Department of Interior. That's</p> <p>11 who produced this document to us, and the number is</p> <p>12 00021921; correct?</p> <p>13 A. Uh-huh.</p> <p>14 Q. Okay. If we look at the attachment</p> <p>15 that's referenced in the face of that e-mail, the page</p> <p>16 of the attachment begins with one digit after the</p> <p>17 number we just read, does it not?</p> <p>18 A. It does.</p> <p>19 Q. Okay. So have we cleared up the</p> <p>20 likelihood that the reference to 2015 was a typo?</p> <p>21 A. I don't know how the numbering system</p> <p>22 works, but I take your word for it. I will know as</p> <p>23 soon as I get into the body of the speech --</p> <p>24 Q. Sure.</p> <p>25 A. -- whether the date was a typo or not. I</p>	<p style="text-align: right;">Page 236</p> <p>1 MS. STEINER: And I will say, yet again,</p> <p>2 that I'm entitled to put my objections on the record.</p> <p>3 Q. (BY MR. SEBY) Ms. Jewell, again --</p> <p>4 MS. STEINER: I objected that that</p> <p>5 misstated the evidence.</p> <p>6 Q. (BY MR. SEBY) Ms. Jewell?</p> <p>7 A. Could you repeat the question, please.</p> <p>8 Q. Yes. Due to the interruptions, I will</p> <p>9 reask the question, which is, do you recall earlier</p> <p>10 telling me that you weren't sure if you recalled</p> <p>11 whether or not DAPL was even part of your agenda and</p> <p>12 remarks at this conference?</p> <p>13 MS. STEINER: Objection; misstates the</p> <p>14 evidence.</p> <p>15 A. I recall stating earlier in your</p> <p>16 questions that I could not remember the content of my</p> <p>17 remarks. I assume there was a Tribal Nations</p> <p>18 Conference. It was a busy time of year. We were also</p> <p>19 doing a youth conference. So I could not remember the</p> <p>20 content of my speech and, you know, too many details</p> <p>21 about the conference itself. That's what I recall</p> <p>22 telling you earlier today a few hours ago.</p> <p>23 Q. (BY MR. SEBY) Thank you. So now we see</p> <p>24 your remarks, at least a version of them, the night</p> <p>25 before the conference convened the next day at the</p>
<p style="text-align: right;">Page 235</p> <p>1 don't want to belabor this any further.</p> <p>2 Q. No. That's great. So these are your</p> <p>3 remarks that you're exchanging comments with and so</p> <p>4 forth. So I'm just wondering if this -- and this is</p> <p>5 a -- there's several sections in here. And it was</p> <p>6 interesting to read because clearly you were</p> <p>7 presenting these remarks in mind with this being the</p> <p>8 last such remarks you would be making as secretary of</p> <p>9 the interior in the Obama administration, because</p> <p>10 President Obama served two terms and no matter what</p> <p>11 there was going to be a different president and</p> <p>12 whether or not you would be a secretary of the</p> <p>13 interior in the new administration was an open issue.</p> <p>14 So you were experiencing the reality that this was, at</p> <p>15 least as Obama's secretary of the interior, your last</p> <p>16 such conference. So you are preparing reflections in</p> <p>17 your remarks in that capacity.</p> <p>18 And earlier I had asked you about this</p> <p>19 conference and you said, yeah, it's got a lot of</p> <p>20 important issues and topics and whatnot. You weren't</p> <p>21 sure if DAPL was even part of it; right?</p> <p>22 MS. STEINER: Objection; misstates.</p> <p>23 Q. (BY MR. SEBY) I'm sorry. Ms. Jewell, you</p> <p>24 said something I couldn't hear because your counsel,</p> <p>25 yet again, interrupted you.</p>	<p style="text-align: right;">Page 237</p> <p>1 White House. And after you introduce -- or pardon</p> <p>2 me -- make acknowledgments of all of the people who</p> <p>3 were, in your opinion, instrumental to the conference</p> <p>4 and tribal issues, starting with the White House and</p> <p>5 then there's the deep bench that you reference at the</p> <p>6 Interior department on tribal issues and a long list</p> <p>7 of people there.</p> <p>8 And then after the acknowledgment</p> <p>9 section, you have a personal reflection section. And</p> <p>10 then after that, after your personal reflections for</p> <p>11 the last four years and thanking the community that</p> <p>12 you're speaking to for your relationship with them,</p> <p>13 you have a section entitled "Consultation." Do you</p> <p>14 see that?</p> <p>15 A. I do.</p> <p>16 Q. And here the first thing you say is,</p> <p>17 Before I go any further, I want to talk about an issue</p> <p>18 that's on everybody's mind, and that's the Dakota</p> <p>19 Access Pipeline. And you acknowledge Chairman</p> <p>20 Archambault and solidarity across Indian prairie for</p> <p>21 the Standing Rock Sioux Tribe through prayerful and</p> <p>22 peaceful assembly. Are you referring to all of the</p> <p>23 protests at this point?</p> <p>24 MS. STEINER: Objection; vague.</p> <p>25 A. What do you mean by "all of the</p>

236:8-22
FRE
401-402

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238 to 241

237: 16-238:11
FRE 401-402, 611

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1 protests," please?

2 Q. (BY MR. SEBY) Well, this second

3 sub-bullet that says, "And I want to acknowledge the

4 unprecedented solidarity that so many of you across

5 Indian Country have shown with the Standing Rock Sioux

6 Tribe over the past weeks through prayerful and

7 peaceful assembly and in making your voices heard."

8 What assembly are you referring to?

9 A. I'm referring to the gathering at the

10 Standing Rock Sioux Tribe relating to the Dakota

11 Access Pipeline.

12 Q. Would you agree with me that that was a

13 part, but not all of the protest activity against the

14 Dakota Access Pipeline?

15 MS. STEINER: Objection; assumes facts

16 not in evidence.

17 Q. (BY MR. SEBY) In late September of 2016?

18 A. I don't remember specifically when things

19 got more violent. For the most part -- and I'm

20 talking to tribal leaders here, and for the most part,

21 the participation of tribal members was prayerful and

22 peaceful and in solidarity with the concerns expressed

23 by the Standing Rock Sioux Tribe. And I think that

24 that is -- largely defines the actions that were

25 occurring as thousands of people gathered in this

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1 Q. (BY MR. SEBY) Ms. Jewell?

2 A. The decision-making body regarding the

3 permitting of the Dakota Access Pipeline is the Corps

4 of Engineers.

5 Q. Okay. But I'm just asking what you mean

6 by your statement for the speech you were going to

7 give the next day.

8 A. The Corps of Engineers was working

9 closely with the Department of the Interior. I'm less

10 familiar with their interactions with the Department

11 of Justice on this issue. And the Department of the

12 Interior is, as I mentioned, very closely involved

13 with tribal issues.

14 And so thorough evaluation could mean in

15 this context -- and I don't remember the specifics of

16 the speech I gave six years ago, but thoroughly

17 evaluating would mean the Corps working with us and

18 with others to assess its process and reach an

19 appropriate conclusion.

20 Q. Okay.

21 A. I will also point out to you, if I may,

22 that speeches are guidelines. They're not legal

23 documents. And in general in speaking, I use them as

24 a guide. They're not necessarily exactly what I say.

25 (Deposition Exhibit 509 was remotely

240:5-
19
FRE
401-402

238:12-239:1
FRE 401-402

Page 239

1 site.

2 Q. Okay. And so the second bullet says

3 further, regarding the Dakota Access Pipeline, "I

4 appreciate that the Army Corps, Department of Justice

5 and Interior Department have taken a pause and are

6 thoroughly evaluating whether to reconsider any of the

7 previous decisions made concerning that project and

8 the Lake Oahe site near Standing Rock."

9 So are you saying that the pause was

10 taken so that all of those three agencies could

11 reconsider the Corps' previous decisions?

12 MS. STEINER: Objection; misstates the

13 evidence.

14 Q. (BY MR. SEBY) Ms. Jewell?

15 A. Whether I used artful language or not,

16 I'm referring to the joint press release and the work

17 of the agencies together to address the concerns

18 raised and the decision-making process.

19 Q. My question wasn't that. It was who is

20 thoroughly evaluating whether to reconsider any of the

21 previous decisions made concerning that project? Are

22 you saying that the Department of Interior is part of

23 the reconsideration of the Corps' previous decisions?

24 MS. STEINER: Objection; misstates the

25 evidence.

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1 introduced and provided electronically to the court

2 reporter.)

3 Q. If we could go to Exhibit 509, please,

4 509. We're going to go ahead in time by a little more

5 than a week after your Tribal Nations Conference

6 speech that we just covered to October 4 of 2016. And

7 this e-mail, you're not copied on it, nor is any of

8 your Department of Interior colleagues. But I want to

9 bring it to your attention not because of what's in

10 the e-mail so much, but because of the attachment.

11 If we could go to the attachment now,

12 please. This is a letter from Mercer County, North

13 Dakota, Sheriff Dean Danzeisen. Mr. Danzeisen,

14 Sheriff Danzeisen, is the elected sheriff of that

15 county. Have you heard of Mercer County, North

16 Dakota?

17 A. I don't know my North Dakota counties.

18 I'm sorry.

19 Q. Okay. On October 3 of 2016, Sheriff

20 Danzeisen wrote a letter that we have here on the

21 screen addressed to the Attorney General of the United

22 States, and second addressee is The Honorable Sally

23 Jewell, Secretary of the Interior. And then the third

24 addressee is the chief of engineers, Lieutenant

25 General Todd Semonite. So would you take a moment and

241:3-
18
FRE
401-402
602, 611

239:2-18
FRE 401-402,
611

239:19-240:4
FRE 401-402

241:19-
242: 12
FRE
401-402
602, 611

Page 242

1 reread the letter the sheriff sent to you and these
2 other two individuals.
3 A. You say "reread." I don't recognize
4 this. So let's just say "read."
5 Q. Okay. So you don't recall receiving this
6 in the past even though it's addressed to you?
7 A. It doesn't look familiar. There are a
8 lot of letters that we receive that I couldn't
9 possibly handle. So it doesn't mean I didn't know
10 about it or hadn't seen it, but it would not be
11 uncommon for others to field these and determine an
12 appropriate response. Let me read it.
13 Q. Thank you.
14 A. Scroll down, please. Okay. I've read
15 it.
16 Q. Ms. Jewell, I appreciate your position at
17 the time of being secretary of the interior is very
18 busy and you receive lots of correspondence. At the
19 time DAPL was a big deal on your agenda -- on your
20 radar, wasn't it?
21 MS. STEINER: Objection; argumentative.
22 Q. (BY MR. SEBY) I'm not arguing with you,
23 Ms. Jewell. I asked you a question. Was DAPL a big
24 deal on your radar as secretary of the interior in
25 October of 2016?

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1 MS. STEINER: Objection; vague.
2 A. Yes, it was a significant issue. It
3 wasn't the only issue.
4 Q. (BY MR. SEBY) Of course not. You're
5 secretary of the interior for the whole country, and
6 as you said, there were other incidents on federal
7 land and among the host of issues across all of the
8 responsibilities of the secretary of the interior, but
9 DAPL was one of those significant issues?
10 A. Correct.
11 Q. So does anything in Sheriff Danzeisen's
12 letter, reading it today in 2022, not sound accurate
13 to you?
14 MS. STEINER: Objection; lack of
15 foundation, calls for speculation.
16 Q. (BY MR. SEBY) Ms. Jewell?
17 A. I read this as a letter from the sheriff.
18 I can't get inside his head and say what was going on.
19 I think it is his characterization. It would not
20 be -- it would not be my characterization or some
21 other author. It's what he feels and what he chooses
22 to convey.
23 It is not uncommon, as I mentioned
24 before, for people to request federal services and
25 also to begin to set a record as they are seeking

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1 something that they feel will benefit them. So I
2 don't read too much into this letter. It's not
3 uncommon to have people request services.
4 Q. In your experience as secretary of
5 interior, did you ever have any other instance like
6 the Dakota Access Pipeline protests where people
7 were -- large numbers of people were occupying federal
8 property and behaving in a violent manner and using
9 that property to conduct violent activities on
10 properties off of the federal property and return to
11 the safety of the federal property? Any other
12 instance come to mind?
13 MS. STEINER: Objection; vague, misstates
14 the evidence, argumentative.
15 A. That is a very long and complicated
16 question with a lot of qualifiers.
17 Q. (BY MR. SEBY) Did DAPL have any
18 precedence in your term as secretary of the interior,
19 the DAPL protests?
20 MS. STEINER: Objection; vague.
21 Q. (BY MR. SEBY) Ms. Jewell?
22 A. There are frequent situations where we're
23 dealing with people exercising their First Amendment
24 rights. Sometimes those remain peaceful and sometimes
25 they don't. The National Park Service is responsible

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1 for the national mall and permitting of events that
2 happen on the national mall. And there are many of
3 those that are tense.
4 We dealt with a situation on Bureau of
5 Land Management grazing lands involving the roundup of
6 cattle by a grazer that had not paid grazing fees in
7 years, and that ended up with an armed standoff in
8 Bunkerville, Nevada.
9 There was a group of armed protesters
10 that took over and occupied the Malheur National
11 Wildlife Refuge, timingwise I think earlier in 2016.
12 Very complicated in every case, walking a fine line
13 between ensuring that people have their right to
14 protest, but they don't have their right to break the
15 law. I hope that helps answer your question.
16 Q. It helps me understand that while you
17 were secretary of the interior, you had other
18 circumstances where there were violent or potentially
19 violent issues involving federal property that was
20 under the jurisdiction of the Department of Interior,
21 unlike DAPL protest areas, which were Corps of
22 Engineers camps.
23 But my question is, did you have any
24 other circumstances where you had such a significant
25 role, either voluntarily or involuntarily because it

<p style="text-align: right;">Page 246</p> <p>1 raised federal interests under your jurisdiction, that 2 were on an apples-to-apples basis with the DAPL 3 protests? Anything remotely approach that? All the 4 other examples -- you tell me, but I believe all of 5 those were relatively smaller in comparison to the 6 number of people who were involved in the DAPL protest 7 camps on Corps property.</p> <p>8 MS. STEINER: Objection; misstates the 9 evidence, vague, compound.</p> <p>10 A. First, I believe the camps were began on 11 Standing Rock Sioux property. You've showed me maps 12 showing some camps on Corps property, but I don't 13 believe that's the extent of the camps that were 14 there.</p> <p>15 Second, there are many more people 16 involved in issues on the national mall. Every 17 incident is different. So of course there's not an 18 identical situation to the situation that happened at 19 Standing Rock during the four years that I was there, 20 but there were multiple situations where my staff was 21 handling the very difficult job as public servants of 22 upholding people's First Amendment rights to protest 23 with public safety of them and of people around them, 24 and property rights, and upholding those property 25 rights, whether that be federal property or adjacent</p>	<p style="text-align: right;">Page 248</p> <p>1 record.</p> <p>2 THE VIDEOGRAPHER: Going off the record.</p> <p>3 The time is 10:20 p.m. UTC, 4:20 p.m. Mountain.</p> <p>4 (Recess taken, 4:20 p.m. to 4:31 p.m.)</p> <p>5 THE VIDEOGRAPHER: We are back on the 6 record. The time is 10:31 p.m. UTC, 4:31 p.m. 7 Mountain.</p> <p>8 (Deposition Exhibit 516 was remotely 9 introduced and provided electronically to the court 10 reporter.)</p> <p>11 Q. (BY MR. SEBY) Ms. Jewell, if you would 12 please refer to Exhibit 516, which is up on the screen 13 now. If we could go to the next page of the e-mail. 14 This has got a few parts to it. So I'd ask you to go 15 to the very bottom, the beginning, and make your way 16 through the portions of it, because the part I want to 17 ask you about is not until the end or near the end. 18 And so if you will, please diligently but so you're 19 able to follow it, read the e-mail string and then I 20 will ask you some questions, which I would appreciate 21 your indulgence if you take all of the remaining time 22 and I still ask a question. So let's just get through 23 this exhibit and then we'll be done. Is that 24 acceptable to you?</p> <p>25 A. I'm not sure what you mean by me taking</p>
<p style="text-align: right;">Page 247</p> <p>1 property or otherwise.</p> <p>2 So I don't know quite what you're getting 3 at, but certainly the Standing Rock Sioux protests had 4 some elements of uniqueness. But, you know, there was 5 the Occupy Wall Street movement. That wasn't in my 6 watch, but it was earlier in President Obama's watch. 7 Most of that was on National Park Service lands, 8 thousands of people gathering.</p> <p>9 So I'm not sure what you're getting at. 10 It is a very tricky balancing act with all of the 11 moving parts as public servants to uphold the various 12 parts of the law while trying to hold people 13 accountable when they break the law.</p> <p>14 MR. SEBY: Thank you, Ms. Jewell. I'd 15 like to take a ten-minute break, if we can, the last 16 one of the day.</p> <p>17 THE DEPONENT: How much longer do we go 18 to the seven hours?</p> <p>19 MR. SEBY: We'll go the full seven hours.</p> <p>20 THE DEPONENT: Excuse me?</p> <p>21 MR. SEBY: We'll take the full seven 22 hours. Let's go off the record.</p> <p>23 THE DEPONENT: How much longer is that?</p> <p>24 MR. SEBY: Let's go off the record and 25 discuss remaining time. We don't need to do it on the</p>	<p style="text-align: right;">Page 249</p> <p>1 the remaining time. I'll do my best --</p> <p>2 Q. If you take 17 minutes to read the 3 e-mail, then it's exhausted. So I'm just asking for 4 your indulgence to get through this so I can ask a 5 question or two.</p> <p>6 A. Okay.</p> <p>7 Q. Thank you.</p> <p>8 A. Go ahead and scroll down. Keep going so 9 I can see who the sender and recipient are. Please 10 scroll down. Okay. Sorry. That was the end of that 11 one? No, I don't think I -- sorry. I think that's it 12 there. Okay. Now, go ahead and scroll up to that 13 next message, please. Okay. Please scroll up.</p> <p>14 Scroll up, please.</p> <p>15 Q. Can we scroll up, please. This is a long 16 e-mail. So I'd like to ask you to get all the way to 17 the top and then start reading. Okay. Thank you.</p> <p>18 That's good. This is an e-mail now from Lieutenant 19 General Todd Semonite, chief of engineers, to Donald 20 Jackson and Lowry Crook with the principal deputy to 21 Ms. Darcy in the Army Corps of Engineers.</p> <p>22 A. Scroll down, please, to No. 2. Scroll to 23 No. 5, please. Okay. Is that it or is there more?</p> <p>24 Q. Yes. Are you done?</p> <p>25 A. I think there was more after that. There</p>

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June 02, 2022

250 to 253

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1 was another message, or no? There. Okay.

2 Q. I think you read that.

3 A. I think so.

4 Q. Okay. I want to ask you about -- pardon

5 me. I'm sorry?

6 A. It's okay. I've read -- it's one

7 sentence. I've read it now.

8 Q. I want to ask you about the chief of

9 engineers Todd Semonite's e-mail to Corps colleagues.

10 I recognize you're not copied on this, but I want to

11 ask you what your reaction is to some of these

12 statements that are made by the chief of engineers.

13 He starts with this phrase, "I am ready

14 to get personally involved here -- current plan is not

15 working -- not sure anything has gotten better since

16 our last meeting with Senator Hoven, if anything --

17 situation as degraded. If there is a master

18 strategy -- would like to know it. I see this with

19 high potential for increased conflict. Can't sit on

20 this much longer without a feasible plan in a timely

21 manner."

22 So, Ms. Jewell, I want to ask you about

23 several of Chief Semonite's issues. The first is the

24 easement. And he says, "What is our talking point on

25 why the easement hasn't been approved given the two

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1 legal decisions," which were favorable to the United

2 States. "Ed told me yesterday that we sent the

3 request to approve the easement to the assistant

4 secretary of the army already -- I will be honest and

5 say that if asked. Can't pretend to be studying this

6 if we aren't."

7 What is your reaction to that?

8 MS. STEINER: Objection; lack of personal

9 knowledge, calls for speculation.

10 Q. (BY MR. SEBY) Were you aware as of

11 October 13, 2016, that the chief of engineers and the

12 military arm of the Corps of Engineers approved the

13 easement and provided it to the assistant secretary of

14 the interior -- pardon me -- of the army?

15 A. What was the time frame you just

16 referenced?

17 Q. This is dated October 13, 2016. So he's

18 saying as of that date they have already sent the

19 request to approve the easement to Secretary Darcy.

20 Can't pretend to be studying this if we aren't.

21 A. Yeah. I don't know what was happening

22 within the Corps specifically or if I was informed. I

23 can't recall. I do recall a concern about the

24 pipeline company continuing their activities when the

25 permit had not yet been approved.

251:10-25
FRE 106, 602

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1 Q. And paragraph 3 in Chief Semonite's

2 e-mail, Trespassing. What is our position to Congress

3 why Corps has allowed trespassing and camping on

4 government land on the north side, effectively

5 condoning the tribes to violate the law both on our

6 land as well as other lands? When is the Corps going

7 to do something to get this under control -- while

8 many might move to other camps, some will just stay to

9 embolden the effort? Is there something -- is there

10 some event that will cause us to ask the Sheriff to

11 enforce the law?

12 What is your comment on that, Ms. Jewell?

13 MS. STEINER: Objection; lack of personal

14 knowledge, calls for speculation.

15 A. Again, I don't know specifically what was

16 happening within the Corps at that time. I do know

17 that there was interest in, you know, minimizing

18 conflict. And, you know, that was true throughout.

19 And I do know that we were worried that if the

20 pipeline company kept working while the process had

21 not yet been resolved regarding a permit, that that

22 would likely increase the tensions and potentially the

23 risk to person --

24 Q. (BY MR. SEBY) What do you think about

25 Chief Semonite's statement, though, that the Corps is

Page 253

1 effectively allowing trespassing to occur, condoning

2 the tribes to violate the law both on our land as well

3 as other lands? Thoughts on that?

4 MS. STEINER: Objection; lack of personal

5 knowledge.

6 A. That's his statement. I cannot comment

7 on what he meant by that or why he had that

8 interpretation.

9 Q. (BY MR. SEBY) Paragraph 5, "Listening

10 Sessions. Average American is connecting the

11 listening sessions with our easement decision -- I

12 still see these as completely separate. Can't afford

13 for a position to evolve that any output of listening

14 sessions be applied to relook consultation of this

15 permit. Concerned we are giving a perception that

16 tribes have a veto or consent vote on DAPL.

17 Regardless of how this was environed -- afraid

18 Department of Interior has created a perception that

19 all is on the table -- including the DAPL permit."

20 What is your comment on that, Ms. Jewell?

21 MS. STEINER: Objection; calls for

22 speculation.

23 A. I believe that is the opinion of the

24 person that wrote the letter.

25 Q. (BY MR. SEBY) Do you disagree with it?

252:24-
253:8
FRE 602,
611

253:9-24
FRE 602,
611

253:25-254:9
FRE 602254:10-15
FRE 602, 611255:1-22
FRE 602256:11-19
FRE 602256:20-
257:6
FREND OBJ:
Relevance

Page 254

1 MS. STEINER: Objection; vague, lack of
2 personal knowledge.

3 A. I do not believe the intent of the
4 listening sessions around tribal consultation broadly
5 was intertwined with the DAPL decision. As we've
6 stated -- I stated previously, they were two
7 completely separate entities. DAPL was an example in
8 real time certainly, but the two were very separate
9 processes.

10 Q. (BY MR. SEBY) The chief of engineers is
11 saying that he's afraid the Department of Interior has
12 created a perception that they're not intertwined,
13 that everything is on the table.

14 A. That is his opinion as he wrote in the
15 letter. I believe it is his opinion.

16 Q. And I asked you do you disagree with it
17 and why?

18 MS. STEINER: Objection; calls for
19 speculation, lack of personal knowledge.

20 A. If I was having a conversation with him,
21 I think we probably could come to a meeting of the
22 minds, but it is very hard to respond to a paragraph
23 without knowing what was going on in the background
24 with the Army Corps as it related to these listening
25 sessions and why he would reach that conclusion.

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1 Q. Okay. So I'm going to wrap up here with
2 a question or two. Can you recall a time when you or
3 at your direction the Department of Interior made a
4 statement that resulted in any deescalation of the
5 DAPL protests occurring on Corps of Engineers
6 property?

7 MS. STEINER: Objection; vague, compound,
8 lack of personal knowledge.

9 A. Are you asking whether -- I'm sorry --
10 whether I was aware of a statement or an action? I
11 believe that the actions of the Bureau of Indian
12 Affairs in their law enforcement efforts absolutely
13 deescalated what could have happened otherwise. And I
14 also believe that my call to the governor warning him
15 about aggressive actions could result in an
16 escalation, and I think to a certain extent that
17 played out as well.

18 My experience with other very tense
19 situations like the Malheur National Wildlife Refuge
20 was that when you remove the aggression and the
21 visibility that that aggression may cause that it
22 tends to deescalate situations.

23 MR. SEBY: Ms. Goulding, the court
24 reporter, would you read back my question, please.

25 Q. (BY MR. SEBY) And, Ms. Jewell, would you

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1 please listen to it and let me know if the answer you
2 just gave is the same answer to my question as stated?
3 (The question beginning on page 254, line
4 25, was read back as follows: "So I'm going to wrap
5 up here with a question or two. Can you recall a time
6 when you or at your direction the Department of
7 Interior made a statement that resulted in any
8 deescalation of the DAPL protests occurring on Corps
9 of Engineers property?")

10 MS. STEINER: Same objection.

11 Q. (BY MR. SEBY) Ms. Jewell, do you have an
12 answer different from the one you just gave?

13 A. You asked whether the Department of the
14 Interior made a statement; is that correct? I
15 cannot -- I can't relate statements to actions on the
16 ground. I believe there are a lot of actions we did,
17 as I stated, but I don't remember what all the
18 statements might have been at that time and what the
19 result may have been.

20 Q. Well, I'm not asking about actions. We
21 can ask that question next. But my question as stated
22 and reread by the court reporter, again, pertains to
23 asking you when you or your Department of Interior
24 staff made a statement that resulted in any
25 deescalation of the DAPL protests occurring on Corps

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1 land?

2 MS. STEINER: Objection; vague, compound,
3 misstates the evidence, asked and answered.

4 A. I'm sorry. I can't provide any more
5 information than I already have. I just don't
6 understand what you're trying to get at.

7 Q. (BY MR. SEBY) Okay. So your answer is as
8 provided?

9 A. Yes.

10 Q. Okay.

11 A. By my watch, we're down to 30 seconds.
12 And I'm not trying to be difficult here. It's just
13 that I was hoping for a shorter session. This has
14 been a very grueling day and I've got a full plate
15 when we're done.

16 Q. Ms. Jewell, unless you've indicated
17 otherwise throughout this deposition, have you
18 understood my question today? Questions, plural.

19 MS. STEINER: Objection; vague.

20 A. Sometimes I've understood your questions.
21 Sometimes I've done my best to answer what I think
22 your question was.

23 Q. (BY MR. SEBY) Is there anything further
24 that you'd like to add to clarify anything that you
25 felt you did not answer correctly or clearly?

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June 02, 2022

258 to 261

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1 A. No. I have nothing further to add.

2 MR. SEBY: Okay. All right.

3 Ms. Steiner, I pass the witness to you.

4 MS. STEINER: No further questions from

5 me.

6 MR. SEBY: Ms. Jewell, thank you very

7 much for your time today.

8 THE DEPONENT: Okay. Thank you. Can I

9 sign off now?

10 MS. STEINER: We'd like to read and sign,

11 please. And, yes, you can, Secretary.

12 THE DEPONENT: I'm leaving then on both

13 screens.

14 MS. STEINER: Thank you.

15 THE VIDEOGRAPHER: Going off the record.

16 This concludes the remote video-recorded deposition of

17 Sally Jewell. The time is now 10:48 p.m. UTC,

18 4:48 p.m. Mountain. We are off the record.

19 WHEREUPON, the within proceedings were

20 concluded at the approximate hour of 4:48 p.m. on the

21 2nd day of June, 2022.

22 * * * * *

23

24

25

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1 I, SALLY JEWELL, do hereby certify that I

2 have read the above and foregoing deposition and that

3 the same is a true and accurate transcription of my

4 testimony, except for attached amendments, if any.

5

6 Amendments attached () Yes () No

7

8 _____

9 SALLY JEWELL

10

11

12 The signature above of SALLY JEWELL was

13 subscribed and sworn to or affirmed before me in the

14 county of _____, state of Washington, this

15 _____ day of _____, 2022.

16

17

18

19 _____

20 Notary Public

21 My commission expires

22

23

24

25 State of North Dakota 6/2/22 (tdg)

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1 REPORTER'S CERTIFICATE

2 STATE OF COLORADO)

3) ss.

4 COUNTY OF ARAPAHOE)

5 I, TIFFANY D. GOULDING, Registered

6 Professional Reporter and Notary Public ID No.

7 19984028637, State of Colorado, do hereby certify that

8 previous to the commencement of the examination, the

9 said SALLY JEWELL verbally declared her testimony is

10 under the penalty of perjury in relation to the

11 matters in controversy between the parties hereto;

12 that the said deposition was taken in machine

13 shorthand by me at the time and place aforesaid and

14 was thereafter reduced to typewritten form; that the

15 foregoing is a true transcript of the questions asked,

16 testimony given, and proceedings had.

17

18 I further certify that I am not employed

19 by, related to, nor of counsel for any of the parties

20 herein, nor otherwise interested in the outcome of

21 this litigation.

22 IN WITNESS WHEREOF, I have affixed my

23 signature this 13th day of June, 2022.

24

25 My commission expires November 4, 2022.

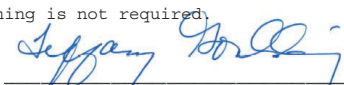
26 x _____ Reading and Signing was requested.

27 _____ Reading and Signing was waived.

28 _____ Reading and Signing is not required.

29

30

31 

32 Tiffany Goulding

33 Registered Professional Reporter

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1 Errata Sheet

2

3 NAME OF CASE: Plaintiff vs UNITED STATES

4 DATE OF DEPOSITION: 06/02/2022

5 NAME OF WITNESS: Sally Jewell

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

15 From _____ to _____

16 Page _____ Line _____ Reason _____

17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

20 Page _____ Line _____ Reason _____

21 From _____ to _____

22 Page _____ Line _____ Reason _____

23 From _____ to _____

24

25